

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Reserved on: 12.07.2018

Pronounced on: 08.04.2019

+ **FAO (OS) 558/2012**

KUBER CONSTRUCTION CO.

..... Appellant

versus

GOVT. OF NCT OF DELHI

..... Respondent

+ **FAO (OS) 570/2012**

GURUMUKH SINGH AND CO.

..... Appellant

versus

MCD

..... Respondents

Through : Sh. Sandeep Sharma and Sh.
Aman Dhyani, Advocates, for appellants.

Ms. Jyoti Taneja, Advocate, for GNCTD.

Ms. Mini Pushkarna, Standing Counsel with
Ms. Swagata Bhuyan and Ms. Shiva Pandey,
Advocates, for MCD.

Sh. Pawan Mathur, Standing Counsel, for
DDA.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE A.K. CHAWLA

MR. JUSTICE S. RAVINDRA BHAT

%

1. FAO (OS) 431/2012 and FAO (OS) 570/2012 have to succeed. They are accordingly allowed. The matter is remitted to learned Single Judge to deal with the merits of the award on the question on the findings of the arbitrators in the two cases with respect to the admissibility of the claims which was brushed aside on the ground that Sukumar Jain and GSC had issued valid no objection certificates or agreed not to claim compensation.

No opinion is expressed on the merits of the findings rendered in the award on the heads of claim.

2. FAO(OS) 558/2012 (Kuber's appeal) on the other hand has to fail. Accordingly, FAO(OS) 431/2012 and FAO(OS) 570/2012 are partly allowed in the above terms. The parties in each of the two appeals [FAO (OS) 431/2012 & FAO(OS) 570/2012] are directed to be present before the concerned learned Single Judge, according to Roster allocation, on 30.04.2019. FAO(OS) 558/2012 is dismissed. There shall be no order on costs, in the circumstances.

3. For detailed judgment, the decision dated 08.04.2019 in FAO(OS) 431/2012 may be referred to.

S. RAVINDRA BHAT
(JUDGE)

A.K. CHAWLA
(JUDGE)

APRIL 8, 2019