

**OA.Nos.506 & 507 of 2020**  
**and**  
**A.Nos.2874 & 2875 of 2020**

**P.T.ASHA, J.**

The matter was argued extensively by both the parties and thereafter a consensus has been arrived at in order to ensure that there is no inconvenience caused to the commuters and persons using the Foot Over Bridge. Therefore, the following orders on consent is passed.

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2. The applicant in his affidavit filed in support of the application has clearly stated as follows:

*"The agreement has other works with respect to platforms 10 and 11. I am not asking any protection regarding the same as the site is yet to be handed over to me. But as far as FOB and Escalator work on Gandhi Irwin Road side is concerned, I have completed the foundation work*

*and fabrication is also complete. What is left out is only erection. Hence the present application seeking protection for this limited portion of work which is almost complete."*

3. Considering the above and also taking into account the fact that the works with reference to Platform Nos. 8 and 9 have already been completed, on recording the contents of the affidavit, the application is closed.

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4. The above application relates to works in respect of Platform Nos.2 to 11 and re-fixing the Foot Over Bridges and Escalators. The petitioner in his affidavit has stated that he has completed the works with reference to Escalator Nos. 7 to 9 and that he is not asking for a protection with reference to others.

5. The grievance of the respondent is that the metalizing of the girders have not been done in a perfect manner and the work executed is of shoddy nature. Therefore in the interests of justice, it would suffice if the applicant would dismantle the girders that have now been put up for Escalator Nos. 7 to 9 at Gandhi Irwin Road side and metalize and re-erect the same in the presence and subject to the inspection by the Railway Authorities.

6. The applicant also has no objection for the same.

7. With the above orders, both these applications are disposed of. The applicant undertakes to complete the works within a period of two (2) months from the date of receipt of a copy of this order. However, since the orders are passed in the presence of both counsels, the parties need not wait to see the text of the order but shall commence their work immediately. Considering the fact that it is an order which is passed on consent, the Court is not expressing any opinion on the merits of the case. Consequently,

connected A.Nos.2874 and 2875 are closed.

03.12.2020

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