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

% *Date of Decision: 3rd December, 2020*

+ LPA 344/2020

VA TECH WABAG LIMITED

..... Appellant

Through: Mr. Sandeep Sethi, Sr. Advocate with
Mr. Neeraj Kumar, Ms. Meenakshi Jha, Advocates

versus

DELHI JAL BOARD

..... Respondent

Through: Ms. Richa Kapoor, Mr. Kunal Anand,
Advocates

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE PRATEEK JALAN

JUDGMENT

: **D. N. PATEL, Chief Justice (Oral)**

Proceedings in the matter have been conducted through video conferencing.

CM No.29074/2020 (exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

LPA 344/2020 & CM No.29073/2020 (stay)

1. This LPA has been preferred by the original petitioner in W.P.(C) No.8342/2020 against the following order:

LPA No.344/2020

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“The hearing has been held through video conferencing.

CM No.28077/2020

The petition is already listed for hearing on 23rd December, 2020. It is not possible to accede to this request of preponing the date of hearing.

The application is dismissed.”

2. The aforesaid order has been passed in CM No.28077/2020 preferred in W.P.(C) No.8342/2020 and the next date of hearing is fixed as 23.12.2020.
3. Against the order declining early hearing, the present LPA has been preferred. No rights and liabilities of the parties have been crystallized. Hence, this appeal is not tenable in law.
4. Much has been argued by the learned senior counsel for the appellant (original writ petitioner) that the impugned order debars this appellant for three years *dehors* the agreement between the parties. Various clauses of the Agreement have been referred to by the learned senior counsel for the Appellant to contend that firstly there ought to have been negotiations between the parties, followed by appointment of experts and in case the dispute is not resolved, the same could be referred to the arbitrator.
5. As this LPA has been preferred against an order of adjournment, we are not entering into the merits/demerits of the matter. Suffice it to say that on the next date of hearing before the learned Single Judge, both the parties will request the learned Single Judge for hearing of CM No.27045/2020 in LPA No.344/2020

W.P.(C) No.8432/2020, which is for interim relief during the pendency of the writ petition, without asking for any adjournment.

6. With these observations, the LPA is disposed of. The pending application also stands disposed of.

CHIEF JUSTICE

PRATEEK JALAN, J

DECEMBER 3, 2020

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