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

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CS(COMM) 162/2020, IA 4348/2020

**M/S TRACKS & TOWERS INFRATECH (P) LTD**

..... Plaintiff

Through: Mr. Kush Chaturvedi, Adv.

Versus

**NBCC (INDIA) LTD & ORS**

..... Defendants

Through: Mr. Ravi Krishan Chandna, Adv. with  
Ms. Shruti Chandna, Adv. for D-1  
(NBCC)

Mr. Sharique Hussain, Adv. for D-2  
(HDFC Bank)

**CORAM:**

**HON'BLE MR. JUSTICE V. KAMESWAR RAO**

**ORDER**

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**16.09.2020**

This matter is being heard through Video Conferencing.

1. On the last date of hearing, this Court had passed the following order:-

*“Mr. Rajshekhar Rao, learned counsel appearing for the petitioner on instructions states that the plaintiff shall press the Suit only with regard to prayer (v). He also states the plaintiff has to amend the plaint to incorporate the additional claim amount in consequence of invocation of bank guarantees / security deposit. He states, an application for amending the plaint as well as the prayer clause shall*

*be filed. Noting the submission, the matter is adjourned to September 16, 2020.”*

2. Today, learned counsel for the plaintiff, on instructions, states that instead of filing an application for amendment of the plaint, the plaintiff intends to withdraw this Suit with liberty to file a fresh suit primarily relating to recovery of amount from the defendants.
3. Granting liberty to the plaintiff in accordance with law, the suit and the connected applications are dismissed as withdrawn.
4. Mr. Chaturvedi also states that the deficient court fee in the suit shall be deposited with the Registry within one week from today. The statement is taken on record. It is also made clear that if the plaintiff files a fresh suit in future, the necessary receipt qua deposit of court fee in this suit shall also be annexed.

**V. KAMESWAR RAO, J**

**SEPTEMBER 16, 2020/ak**