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

+ **W.P.(C) 3937/2020**

TOPLINE INFRA PROJECTS PRIVATE LIMITED Petitioner

Through: Mr.Sudhanshu Batra, Sr. Adv. with
Mr.Krishna Vijay Singh, Mr.Manish Dembla,
Mr.Nachiketa Goyal, Mr.Pradyuman Sewar,
Ms.Sudita Batra, Advs.

versus

NATIONAL HIGHWAYS AUTHORITY OF INDIA & ANR.

..... Respondents

Through: Mr.Narender Hooda, Sr.Adv. with
Ms.Neetica Sharma, Adv. for R-1
Mr.Vikas Mahajan, CGSC for UOI/R-2.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **06.07.2020**

This hearing has been held by video conferencing.

CM No.14099/2020 (Exemption from filing notarized affidavit and affixing of court fee)

1. This application has been filed seeking exemption from filing duly notarised affidavit and affixing requisite court fee. Binding the deponent of the affidavit to the contents of the application, the exemption is granted.
2. Court fee shall be deposited online with the concerned authority within one week and physical stamp be filed within 72 hours from the date of resumption of regular functioning of the Court, as mandated in terms of Office Order dated April 04, 2020 issued by this Court.
3. Application is disposed of.

CM No.14098/2020 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 3937/2020 & CM No. 14097/2020 (Stay)

1. This petition has been filed by the petitioner primarily claiming relief under Clause 25 of the Contracts that have been executed between the petitioner and the respondent no.1.
2. The learned senior counsel appearing for the respondent no.1, on instructions, submits that such claims shall be decided by the respondent no.1 within a period of two weeks from today, strictly based on the terms of the contract.
3. In view of the submissions made, it is directed that the respondent no.1 shall decide on the claims of the petitioner strictly in accordance with contracts within a period of two weeks from today. Incase, any additional documents are to be sought for from the petitioner, demand for the same be sent to the petitioner within two days from today. The petitioner shall supply these documents to the respondent no.1 within three days of receipt of such demand. No coercive action shall be taken by the respondent no.1 against the petitioner for recovery of any claimed amount for a period of one week after the communication of its decision on the claim of the petitioner, to the petitioner. The petitioner, if aggrieved of the decision taken by the respondent no.1 on its claim under Clause 25 of the Contract, shall be free to agitate the same in accordance with law and in appropriate proceedings. The petitioner shall, however, continue to deposit the admitted toll collected at various toll plazas with the respondent no.1, after deducting the retention amount as claimed by it during this period. If any such amount has become payable as admitted by the petitioner for the earlier period, the same shall

also be deposited by the petitioner with the respondent no.1 within a period of one week from today.

4. The petition is disposed of in the above terms.

NAVIN CHAWLA, J

JULY 06, 2020
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