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

+ O.M.P.(I) (COMM.) 2/2020

SANJEEV KAUSHIK

..... Petitioner

Through: Mr.Ashish Mohan and Mr.Akshit Mago,
Advocates

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr.Jagjit Singh, Sr.Standing Counsel for
Railways with Mr.Vipin Chaudhary,
Advocate

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

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07.01.2020

IA No.61/2020

Allowed subject to just exceptions.

OMP (I) (Comm.) No.2/2020

1. Issue notice.
2. Learned Senior Standing Counsel for the Railways accepts notice and submits that the petition is pre-mature as the petitioner has a remedy of an appeal against the blacklisting order dated 1st November, 2019 before the Chief Commercial Manager. It is further submitted that the petitioner has not yet invoked the arbitration.
3. Learned counsel for the petitioner submits that the petitioner shall invoke the arbitration within a week. It is further submitted that without

prejudice to the rights and contentions, the petitioner shall file an appeal before the Chief Commercial Manager against the order dated 1st November, 2019 within a week from today. Learned counsel for the petitioner seeks a direction to the respondent for disposal of the appeal within two weeks thereafter.

4. Upon the petitioner filing an appeal against the order dated 1st November, 2019 before the Chief Commercial Manager, the concerned authority shall endeavour to hear the parties and dispose of the appeal within two weeks thereafter.

5. Learned counsel for the petitioner further submits that he shall furnish the copy of the appeal to learned Senior Standing Counsel for the Railways who shall ensure the compliance of this order.

6. This petition is disposed of with liberty to the petitioner to approach this Court thereafter if the occasion so arises.

7. Copy of this order be given *dasti* to learned counsel for the parties under signatures of the Court Master.

J.R. MIDHA, J.

JANUARY 07, 2020

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