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

+ **W.P.(C) 3236/2022**

M/S KULDEEP KUMAR CONTRACTOR Petitioner

Through: Mr. Aditya Dhawan, Mr. Sidhant
Thakur and Ms. Kiran Dhawan,
Advocates.

versus

M/S NBCC (INDIA) LIMITED Respondent

Through: Mr. Anish Chawla and Mr. Abhishek
Mishra, Advocates.

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER
10.05.2024

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1. The Petitioner has approached this Court claiming outstanding dues from the Respondent on completion of work for the purpose of "Construction of Type-II/10, Type-III/06, Type-IV/02, Type-V/02 Residential Quarters at CISF Group Head Quarter at Allahabad, UP".
2. Material on record indicates that disputed questions of fact arise in the writ petition and, therefore, this writ petition cannot be decided on affidavit evidence.
3. On a suggestion made by this Court to the learned Counsel for the Petitioner to approach the Court of Competent Jurisdiction by filing an appropriate suit, the learned Counsel for the Petitioner seeks permission to withdraw the instant writ petition with liberty to institute an appropriate suit



claiming the reliefs as prayed for in the instant writ petition.

4. Permission and liberty, as sought for, are granted.

5. The writ petition is disposed of as withdrawn, along with pending application(s), if any.

6. Needless to state that the Petitioner would be entitled to the benefit of Section 14 of the Limitation Act and the period from filing the instant writ petition till the date of disposal of the writ petition has to be excluded while calculating the period of limitation as and when the Petitioner files a suit.

SUBRAMONIUM PRASAD, J

MAY 10, 2024

S.Zakir