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

+ **FAO(OS) (COMM) 49/2023 & CM APPL. 12789/2023**

NATIONAL HIGHWAY AUTHORITY OF INDIAAppellant

Through: Ms Nivedita Nain and Ms Asha
Gopalan Nain, Advocates

versus

CONTINENTAL ENGINEERING
CORPORATION (CEC)

.....Respondent

Through: Mr Kunal Kher, Mr Amit George and
Mr Paras Sehgal, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

05.08.2024

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[Physical Hearing/Hybrid Hearing (as per request)]

1. Ms Nivedita Nain, learned counsel, who appears on behalf of appellant, concedes that the issue which arises in the instant appeal also arose for consideration in *National Highways Authority of India v. Hindustan Construction Company Ltd*, 2024 SCC OnLine SC 802.

2. In view of aforesaid position, Ms Nain says that this appeal cannot survive.

2.1 The statement of Ms Nain is taken on record.

3. Accordingly, the appeal is dismissed.

4. Consequently, the pending application shall stand closed.

RAJIV SHAKDHER, J

AMIT BANSAL, J

AUGUST 5, 2024/ds

[Click here to check corrigendum, if any](#)