



2024:DHC:2311-DB



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

+ **LPA 231/2024**

K.R ANAND

..... Appellant

Through: **Mr.Bharat Bhushan Bhatia, Advocate**
(Through VC).

versus

DELHI METRO RAIL CORPORATION & ORS. Respondents

Through: **Mr.Tarun Johri with Mr.Ankur Gupta,**
Advocates for R-1 & 2.

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Date of Decision: 20th March, 2024

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

JUDGMENT

MANMOHAN, ACJ : (ORAL)

C.M.No.17309/2024

1. Exemption allowed, subject to all just exceptions.
2. Accordingly, the application stands disposed of.

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3. Present letters patent appeal has been filed challenging the judgment dated 06th February, 2024 passed by the learned Single Judge of this Court in W.P.(C) No.1680/2024, whereby the writ petition filed by the appellant, seeking a direction to respondent no. 1/DMRC to release alleged dues of the appellant, was dismissed on the ground that there is no privity of contract between the appellant and respondent no.1 and that the writ petition is in the nature of a civil suit for recovery.
4. Learned counsel for the appellant states that the learned Single Judge



failed to appreciate that the writ petition was filed seeking release of funds which had been deliberately withheld by DMRC for a period of seven years. He states that the learned Single Judge ought to have appreciated that there is no legal remedy available to the appellant to recover the due amount. He points out that respondent no. 3/principal contractor had issued a letter dated 11th September, 2017, whereby details with respect to pending dues of sub-contractor were provided to respondent no.1. He further points out that the appellant has been mentioned at serial number 58 of the letter dated 11th September, 2017.

5. Having perused the paper book, this Court is of the opinion that the appellant has failed to elucidate as to how the subject writ petition was not in the nature of a suit for recovery. This Court is of the view that the claims raised by the appellant can only be raised in a suit for recovery and the same can be decided only after appreciating the evidence.

6. Further Clause 28 of the said Letter of Award provides for arbitration as the Alternative Dispute Resolution Mechanism between the respondent No.3/ principal contractor and the appellant. Moreover, Clause 24 of the Letter of Award dated 08th March, 2014 issued by respondent no.3/principal contractor bars the appellant from claiming any relief against respondent no.1/DMRC.

7. Consequently, the present appeal being bereft of merit is dismissed.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

MARCH 20, 2024/KA