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

+ O.M.P. (COMM) 272/2021 & I.A. 17008/2021

NTPC LTD (CHP)

..... Petitioner

Through: Mr. Adarsh Tripathi with Mr. Vikram S. Baid and Mr. Ajitesh Garg, Advocates *via* video-conferencing.

versus

LARSEN AND TOUBRO – BMH

..... Respondent

Through: Mr. Nakul Dewan, Senior Advocate *via* video-conferencing with Mr. Dharendra Negi and Ms. Tanya Tiwari, Advocates.

+ O.M.P. (COMM) 364/2022 & I.A. 13871/2022

NTPC LTD AHP

..... Petitioner

Through: Mr. Adarsh Tripathi with Mr. Vikram S. Baid and Mr. Ajitesh Garg, Advocates *via* video-conferencing.

versus

MS LARSEN AND TOUBRO BMH

..... Respondent

Through: Mr. Nakul Dewan, Senior Advocate *via* video-conferencing with Mr. Dharendra Negi and Ms. Tanya Tiwari, Advocates.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

07.03.2024

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Mr. Adarsh Tripathi, learned counsel appearing for the petitioner seeks leave to withdraw the present petitions, submitting that the issue involved in the petitions, to the limited extent canvassed, stands covered by a judgment of the Division Bench of this court.

2. Mr. Tripathi points-out that as a condition for stay of operation of the 02 impugned arbitral awards, the petitioner had deposited 75% of the



awarded sum in court, which the respondent may be permitted to withdraw as a consequence.

3. Mr. Nakul Dewan, learned senior counsel appearing for the respondent concurs in the submission, only to add that this should be done without prejudice to any future claims that were not part of the present petitions.
4. The court is informed that in O.M.P.(COMM) No. 272/2021 the sum of Rs. 2,55,75,000/- was deposited on 06.10.2021 in compliance of order dated 20.09.2021. Furthermore, the sum of Rs. 55,51,594/- was deposited in O.M.P.(COMM) No. 364/2022 on 12.09.2022 in compliance of order dated 31.08.2022, towards 75% of the awarded sum.
5. In view of the above, the petitions are disposed-of as withdrawn, while reserving all rights and contentions of the parties in relation to any future claims that were not part of the present petitions.
6. Furthermore, as agreed-to by learned counsel for the parties, the respondent is permitted to withdraw the aforesaid sums which are stated to be lying by way of the demand draft in the name of Registrar General of this court.
7. The Registry is directed to release the said sums alongwith upto-date interest to the respondent, within 02 weeks of an application being made to that effect, after verifying credentials of the persons to whom the demand drafts/pay orders are released.
8. As requested by Mr. Tripathi, it is directed that the respondent shall remain bound by its affidavit dated 03.11.2023 filed in the matter, whereby they had restricted their dispute for the awarded sum, which



was crystallised and which related to a particular period, as detailed in the affidavit.

9. Petitions stand disposed-of as withdrawn.
10. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

MARCH 7, 2024
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