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

+ **W.P.(C) 11701/2024 & CM APPLs. 48638-48639/2024**

**M/S INSTITUTE OF SOUND AND VIBRATION THROUGH ITS
PROPRIETOR HINA AKHTAR**Petitioner

Through: Mr. Anil Panwar, Mr. Tanishq
Panwar, Mr. Deepanjali Choudhary
and Mr. Aman Qayoom Wani,
Advocates.

versus

DELHI METRO RAIL CORPORATION LTD.Respondent

Through: Mr. Tarun Johri, Mr. Ankit Gupta
and Mr. Vishwajeet Tyagi,
Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

23.08.2024

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1. The instant writ petition challenges the termination letter dated 2nd July, 2024 issued by the Respondent, Delhi Metro Rail Corporation Ltd¹, thereby terminating the contract awarded to the Petitioner for assessment of ground borne vibrations and to establish a criterion for design of Track form system for vibration mitigation measures for Phase IV corridors (Line-8) Ext. of DMRC. The Petitioner participated in the tender floated by the Respondent and was issued a Letter of Acceptance for the same on 23rd April, 2024. However, subsequently, on account of dispute arising between parties, Respondent has issued the impugned termination letter dated 02nd July, 2024.

¹ "DMRC"



2. Through the present writ petition, the Petitioner seeks following reliefs:

- “1) Issue a Writ of certiorari or any Other Writ, Order or Direction, of like nature setting aside the termination order bearing No. DMRC/Track/DTO1RR/Corres/2024 dated 02.07.2024 passed by the respondent No.1;
- 2) Issue a Writ of Mandamus or any Other Writ, Order or Direction, thereby directing the respondent to restore the work order 23.04.2024 in favour of the petitioner;
- 3) Pass any other or further order as required by this Hon’ble Court from time to time under the circumstances of the present case;
- 4) Award the cost of the Petition.”

3. At the outset, Mr. Tarun Johri, counsel for Respondent draws attention of this Court to the fact that Petitioner has already invoked the relevant arbitration clause as per the tender documents, i.e., Clause 17.9 of DMRC’s General Conditions of Contract, 2019, for settlement of disputes arising from the said tender, *inter-se* the parties.

4. In light of the foregoing, Mr. Anil Panwar, counsel for Petitioner after making some submissions, states that he would like to withdraw the present writ petition and urge all the grievances of the Petitioner which have been urged herein, before the Arbitral Tribunal in the ensuing arbitration proceedings.

5. Dismissed as withdrawn, along with pending application.

6. All rights and contentions of parties are left open. The Court has not expressed any opinion on the merits of the case.

SANJEEV NARULA, J

AUGUST 23, 2024/d.negi