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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **O.M.P. (COMM) 32/2024 & I.As. 11232/2024, 11233/2024**
NATIONAL HIGHWAYS AUTHORITY OF INDIA Petitioner
Through: Ms. Madhu Sweta, Adv.
versus

VIL LTD. Respondent
Through: Appearance not given

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **16.05.2024**

1. This hearing has been done through hybrid mode.
2. The present petition under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter, 'the Act') challenges the impugned arbitral award dated 12th August, 2023 and the additional award dated 17th September, 2023 passed by the Id. Arbitral Tribunal. The Petitioner- NHAI has challenged the decision of the Id. Arbitral Tribunal, alleging that the Tribunal has unjustly allowed the claims of the Respondent, while rejecting the claims and counterclaims of the Petitioner.
3. Vide order dated 29th January, 2024, the Court directed the Respondent to deposit 50 % of the awarded amount *i.e.*, Rs.58,99,55,298/- with the Registrar General in the following terms:

"5. Heard. After having perused the arbitral award, it is directed that notice be issued to the Respondent in the petition, subject to deposit of 50% of the awarded amount with the worthy Registrar General of this Court within eight weeks. Following the said deposit, the impugned award dated 12th August, 2023 and the additional award dated 17th September, 2023 passed by the Id. AT shall be stayed. Let steps be taken for the



service of the Respondent. The parties shall file their written submissions, if so advised.”

4. Ld. counsel for the NHAI has moved two applications. The crux of the applications is that the disputes are being resolved in the *Vivad se Vishwas* scheme and a settlement has been arrived at. However, settlement can be finalized only after this petition is withdrawn. In view thereof, it is prayed that the present petition be permitted to be withdrawn. The petition is dismissed as withdrawn in view of the settlement.

5. If there is no settlement, the Petitioner is permitted to seek revival. Insofar as the amount of Rs.58,99,55,298/- deposited by the NHAI along with the interest accrued thereon (after deducting TDS on the interest component) in the FDR, the same be released to the NHAI. The bank account details be made available to the Registry.

6. Accordingly, the petition is dismissed as withdrawn. All the pending applications are disposed of, if any.

7. Next date of hearing before the Court and the Joint Registrar shall stand cancelled.

PRATHIBA M. SINGH, J.

MAY 16, 2024

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