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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 287/2025 CM APPL. 34644/2025**
ABHILASHA ENTERPRISESPetitioner

Through: Mr. Jeevesh Nagrath, Sr. Adv. with
Mr. Sumit Kumar Shukla, Mr. Rajat
Gupta, Mr. Arjun Gaur, Advs.

versus

KIRANBABU KONRU AND ORSRespondent
Through: Mr. Manish Batra, Adv. (through VC)
& Mr. Koneru Kiran Babu, Executive
Engineer (PWD) in person.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **29.05.2025**

[Hearing has been conducted through Video Conferencing]

CM APPL. 34630/2025 (Restoration)

1. Pursuant to previous order dated 29th April 2025, the petition had been disposed of on the basis of the statement made by *Mr. Koneru Kiran Babu*, Executive Engineer (PWD), stating that the date of taking of the premises, as well as issues which are residual, will be communicated to the petitioner within a period of one week.
2. It is now stated by *Mr. Jeevesh Nagrath*, Senior Counsel appearing for the petitioner, that the same has not been done.
3. *Mr. Babu*, who was directed to be present, appears and states that while possession of the premises has been taken over, four services, namely, *MGPS, MOT, CSSD, and PTS*, have not been taken over yet.
4. He states that the decision in this regard will be taken soon.



5. The Court is unable to comprehend as to why there is delay in taking over the works, considering that the Court in order dated 20th January 2025, had already stated as under:

5. Learned senior counsel for petitioner submits that the entire work under the contract stands completed and is ripe for handing over/taking over of possession. The limited grievance raised by the petitioner is that the respondent no.3 has failed to initiate handover/takeover process leading to adverse consequences for the petitioner, including with regard to processing of final payment/s etc.

6. Learned counsel for the respondents, who appears on advance notice, submits that the process for handover/takeover of the works carried out by the petitioner has commenced. He submits, on instructions, that the entire exercise shall be completed as expeditiously as possible and in any event, within a period of four weeks from today.

7. In view of the aforesaid, no further directions are required to be passed in the present petition ; the same is accordingly, disposed of.

8. In case any deficiency / lacuna is found in the work, the same shall be intimated to the petitioner and appropriate consequences, as set out in the contract, shall ensue. All rights and remedies of the respective parties in this regard, are kept open.

6. Despite this order, and considering that there is consistent delay and omission in taking over the works, without prejudice to the contractual rights which may arise under the contract to the respondent, the Court is, therefore, inclined to issue a Show-Cause Notice to respondent No.5/*Chief Engineer*, to be present in Court or through VC on the next date of hearing.

7. Post the order on 29th April 2025, a communication was issued, which is extracted as under:



PUBLIC WORKS DEPARTMENT
लोक निर्माण विभाग

ANNEXURE-P-3

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कार्यालय कार्यालयक अभियंता (वैद्युत)
लॉ गि. वि. स्वास्थ्य अनुसंधान वैद्युत मंडल
दक्षिण पश्चिम, दिल्ली सरकार
दिल्ली सशस्त्र पुलिस लाइन, विकास पुरी,
नई दिल्ली-110018
फोन : 28531440, टैलफैक्स : 28537453
ईमेल: eeepwddelhi151@gmail.com



O/o Executive Engineer (E)
PWD Health Maintenance Electrical Division
South West, Government of Delhi
Delhi Armed Police Line, Vikas Puri,
New Delhi-110018
Phone : 28531440, Telefax : 28537453
E-Mail : eeepwddelhi151@gmail.com

सं. 23(ASBGH)/लो.चि.वि. स्वा.अनु.वै.मं.व.प. / 2025-26/526(H) दिनांक: 03/05/2025

By Speed Post
Through Email

सेवा में,

✓ **M/s Abhilasha Enterprises**
C-2/207, 2nd Floor,
Sector-16, Rohini,
Delhi-110089
email: motinagar@abhilashaent.com

Name of Work: **Expansion/ Remodelling work at Acharya Shree Bhikshu Govt. Hospital at Moti Nagar, Delhi**
Agreement No. **05/EE/HMD/SW/M123/2019-20**
Reference: **Hon'ble High Court order dated 29.04.2025 in CONT.CAS(C) 287/2025**

In this regard, you are intimated that below is the current status of taking over of E&M works in above mentioned work.

1. Floor wise inventories of fittings & fixtures such as LED Lights, Fire Alarm Detectors, Response Indicators, Sprinklers, Speakers, Diffusers, Switches, Sockets, Exhaust Fans, Distribution Boards, Cameras, MCPs etc. are taken over from basement to 7th floor including terrace.
2. UPS Component Inventory, External Lights and Poles are also taken over.
3. Inventories of Lifts, Stack Car Parking, Sub Station, AC Plant Room, AHUs, Axial Flow Fans, LV Shaft, FHC Shaft, and Solar PV System are also taken over.
4. It is informed that items pertaining to medical services of Pneumatic Transport System (PTS), Central Sterile Supply Department (CSSD), Modular Operation Theatre (MOT), Medical Gas Pipeline System(MGPS) which are under dispute/investigation in follow up to observations raised by NIT issuing authority have not been taken over.
5. 'Greenvac' branded PTS material has already been instructed to be removed as per clause 16 of the GCC on 17.01.2025. Currently, matter is under purview of Hon'ble High Court vide O.M.P.(I) (COMM.) 44/2025.
6. Items of medical services of MGPS, MOT, and CSSD are under investigation regarding their authenticity/genuine nature. This matter is under active consideration of the department and a decision on these items will be taken as soon as possible keeping quality and health safety aspects in view as these are highly critical and sensitive equipment.

— C O C



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7. It is also intimated that the date of taking over of above mentioned already taken over material is to be considered as March 25th 2025. These materials are taken over without prejudice to rights and remedies of the department in case of any defect or short coming in them as per relevant clauses of the agreement and the GCC.
8. Status of Civil works taking over shall be communicated separately by the EE(C).

Kiran
कार्यपालक अभियंता (वे०)

लौ०नि०वि० स्वास्थ्य अनुसंधान वैद्युत मंडल
दक्षिण पश्चिम,
विकास पुरी, नई दिल्ली।

प्रतिलिपि:-

1. मुख्य अभियंता (स्वास्थ्य) अंचल लौ०नि०वि०, दूसरा तल, एम०एस०ओ० भवन, आई.पी. एस्टेट, नई दिल्ली-110002 को सूचनार्थ।
2. अधीक्षण अभियंता (वे०), स्वास्थ्य वैद्युत परिमंडल-1, लौ०नि०वि० (दिल्ली सरकार) दूसरा तल, एम०एस०ओ० भवन, आई.पी. एस्टेट, नई दिल्ली-110002 को सूचनार्थ।
3. अधीक्षण अभियंता (सिविल), स्वास्थ्य सिविल परिमंडल-1, लौ०नि०वि०, लोक नायक अस्पताल परिसर, समीप गेट नम्बर-1, नई दिल्ली-110002 को सूचनार्थ हेतु।
4. कार्यपालक अभियंता, स्वास्थ्य अनुसंधान मंडल (दक्षिण-पश्चिम), एम-123, लोक निर्माण विभाग, दिल्ली सरकार कर्मचारी आवासीय परिसर, सेक्टर-3, द्वारका, नई दिल्ली-110078 को सूचनार्थ।
5. सहायक अभियंता(वे०)-HSW4, लौ०नि०वि०, स्वा०अनु०वे०म० दक्षिण पश्चिम, नई दिल्ली।

कार्यपालक अभियंता (वे०)

8. List on 18th July 2025.
9. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MAY 29, 2025/MK/bp