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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 10740/2021, CM APPL. 33158/2021, CM APPL.
45212/2021, CM APPL. 38778/2022

PRATIBHA MOSINZHSTROI CONSORTIUM THROUGH ITS
DULY AUTHORIZED LEADER PRATIBHA INDUSTRIES
LIMITED (IN LIQUIDATION)Petitioner

Through: Ms. Prachi Johri and Mr. Dhruvad
Vaghani, Advocates

versus

DELHI JAL BOARDRespondent

Through: Mr. Tushar Sannu and Ms. Aqsa,
Advocates for DJB with Mr. Sunil
Dixit, Ex. Engineer (SDW)-VI
Mr. Abhay Agnihotri, Mr. Vikram
Choudhary and Mr. Nilay Gupta,
Advocates for Intervener
M:9540715606

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
15.05.2025

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1. The present writ petition has been filed for a direction to set aside/quash the Cancellation Notice dated 27th July, 2021, issued by the respondent-Delhi Jal Board ("DJB"), whereby, it unilaterally cancelled the Contract Agreement No. 06 (2021-2022) dated 7th June, 2021, awarded to



the petitioner for operations and maintenance of Package-2 work, under the project design and construction of the interceptor sewers, along the Najafgarh, Supplementary and Shahdara Drains in Delhi, for abatement of pollution in Yamuna river.

2. There is a further prayer for restoration of the Contract Agreement No. 06 (2021-2022) dated 7th June, 2021.

3. It is noted that when the present matter was listed on 24th September, 2021, this Court had stayed the operation of the impugned Notice dated 27th July, 2021. The relevant paragraph of the order dated 24th September, 2021, passed by this Court is extracted, as below:

“xxx xxx xxx

12. In the meantime subject to petitioner continuing to service the contract as per the terms of the contract agreement, operation of notice dated 27.07.2021 shall remain stayed till the next date of hearing.

xxx xxx xxx”

(Emphasis Supplied)

4. Today, learned counsel appearing for the DJB has handed over a copy of the Letter dated 6th May, 2025, issued by the office of the Executive Engineer (SDW)-VI, West Sewage Treatment Plant (WSTP), Keshopur, New Delhi, which is taken on record.

5. Learned counsel appearing for the DJB submits that by way of the aforesaid Letter dated 6th May, 2025, the Termination Letter dated 27th July, 2021, has been withdrawn.

6. The Letter dated 6th May, 2025, as handed over by the DJB, is reproduced as under:



DELHI JAL BOARD
OFFICE OF THE EXECUTIVE ENGINEER (SDW)-VI
WEST SEWAGE TREATMENT PLANT (WSTP), KESHOJI
OUTLET, BUNG ROAD, NEW DELHI-110018
Email: eesdw06@gmail.com

**Azadi Ka
Amrit Mahotsav**

Stop Corona - Wear Mask, Follow Physical Distancing and Maintain Hygiene

No.F./DJB/EE(SDW)/VI/2025-26/ 605/ 614

Date: 6/5/25

Subject: Withdrawal of Termination letter dated 27.07.2021, Contract Agreement No. 06 (2021-2022) for O&M of Package-2.

Sir,

This is to inform you that Contract Agreement No. 06 (2021-2022) for Operation and Maintenance (O&M) of Package-2, under the project titled "Design & Construction of Interceptor Sewers along Najafgarh, Supplementary and Shahadra Drains for Abatement of Pollution in Yamuna River," was executed on 07.06.2021 between Delhi Jal Board (DJB) and the authorized representative of M/s Pratibha Mosinzhstrol Consortium.

The said agreement was terminated by DJB vide letter, dated 27.07.2021 on several grounds, including:

- Failure to disclose the actual status and liquidation proceedings concerning the lead member;
- Concealment and misrepresentation of material facts;
- Execution of back-to-back subcontracts without prior intimation or approval from DJB;
- Pendency of related legal proceedings before the Honble High Court of Delhi; and
- Existing bank charges over the project receivables.

The termination was subsequently challenged by your consortium before the Honble High Court of Delhi in Writ Petition W.P. (C) 10740/2021. The Honble High Court vide order dated 24.09.2021, directed that *in the meantime subject to petitioner continuing to service the contract as per the terms of the contract agreement, operation of notice dated 27.07.2021 shall remain stayed till the next date of hearing.* The stay remains in effect as of the date of this communication.

Upon a comprehensive review of the matter, and without prejudice to DJB's rights, claims, or contentions in any contractual proceedings, it has been decided, purely as an administrative measure and without admission of fault, liability, or waiver of any legal or contractual rights, to withdraw the aforementioned termination notice dated 27.07.2021.

This withdrawal shall not be construed as condonation, regularization, or acceptance of any prior acts, defaults, breaches, or misconduct on the part of your consortium or its constituents.

Upon withdrawal of the termination notice dated 27.07.2021, the specified proceedings initiated pursuant to that notice shall stand closed with immediate effect.

This closure of termination proceeding is strictly confined to the grounds cited in the said termination letter and shall not preclude DJB from initiating fresh proceedings, as may be warranted, for any violation of contractual terms and conditions under the Contract Agreement / failure to perform the contractual obligations as per the agreed scope of work.

Sd/-
EE(SDW)/VI

Copy to:-

M/S Pratibha Mosinzhstrol Consortium
Through Its Authorized Representative,
Universal Majestic, Off Eastern Highway,
PL Lohande Marg, Chhatkoper Marikund Road,
Mumbai - 400042
(Official address as per consortium agreement)

Also at: Unit No. D 3014, Akshar Business Park,
Plot No. 03, Sector-25, VBSH,
Nr. Turbha Railway Station, Navi Mumbai - 400703.

M/S Pratibha Industries Limited (In Liquidation)
Through Its Appointed Liquidator, Sh. Avil Menzies
106, 1st Floor, Kanakia Atrium 2 Cross Road A,
Behind Courtyard Marriott, Chakala, Andheri East, Mumbai - 400093

M/S Mosinzhstrol open joint stock company,
15-B Malaya Bronnaya Street, Bldg 3, Moscow 123104, Russia.

(Sunil Dixit)
EE(SDW)/VI



7. Accordingly, the prayers made in the present writ petition, do not survive.

8. Considering the fact that the cancellation Notice dated 27th July, 2021, has been withdrawn by DJB, the services under the said Contract Agreement No. 06 (2021-2022) dated 7th June, 2021, shall continue to be provided.

9. Noting the aforesaid, the present writ petition, along with the pending applications, is accordingly, disposed of.

MINI PUSHKARNA, J

MAY 15, 2025/akr