



2026:DHC:641-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 6901/2025****M/S GUPTA ENGINEERS AND CONTRACTORS.....Petitioner****Through: Mr. Divyansh Singh, Adv.****versus****M/S NBCC INDIA LIMITED****.....Respondent****Through: None.****CORAM:****HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE TUSHAR RAO GEDELA****ORDER****%****23.01.2026****CM APPL. 4817/2026 (for modification/correction of order dt. 21.05.25)**

1. By way of this application, the applicant/petitioner seeks modification of the judgement dated 21.05.2025, particularly para nos.10 and 17.
2. Learned counsel of the applicant/petitioner submits that in para 10, this Court had observed as under:

"10. Learned counsel fairly admitted he has filed a suit against YFC in respect of the goods referred to in the present writ petition and has also filed an application under section 9 of the Arbitration and Conciliation Act, 1996 before the Court of competent jurisdiction. Notwithstanding the same, learned counsel asserts that this Court may interfere in the fresh NIT notified by the NBCC and direct NBCC to either withdraw the fresh NIT or issue a corrigendum withdrawing Clause 9 whereby the materials, tools and plants of the petitioner are declared as asset of NBCC. Alternatively, the petitioner seeks return of the aforesaid materials since the same do not belong to YFC and have been illegally confiscated by NBCC."

3. He submits that the aforementioned observation is made on an incorrect submission made on behalf of the applicant/petitioner. He clarifies that neither an application under Section 9 of the Arbitration and

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Conciliation Act, 1996 nor a suit has been filed as mentioned in the judgement dated 21.05.2025 by the applicant/petitioner as on the date of passing of the judgment dated 21.05.2025. He requests that the said corrections may be carried out.

4. So far as the observation in para 17 of the judgment dated 21.05.2025 is concerned, he states that the same is an observation by this Court on the incorrect submission tendered by the applicant/petitioner at the time of final arguments. He submits that the same may be modified accordingly.

5. Having regard to the aforesaid submissions of the learned counsel, we expunge the aforementioned underlined portion of para 10 of the judgment dated 21.05.2025 which has been extracted above, since it is stated to be made on factually incorrect submission. Para 10 shall now read as under:

“10. Learned counsel asserts that this Court may interfere in the fresh NIT notified by the NBCC and direct NBCC to either withdraw the fresh NIT or issue a corrigendum withdrawing Clause 9 whereby the materials, tools and plants of the petitioner are declared as asset of NBCC. Alternatively, the petitioner seeks return of the aforesaid materials since the same do not belong to YFC and have been illegally confiscated by NBCC.”

6. Equally, the observation made by us in para 17 of our judgment dated 21.05.2025 having been based on the incorrect factual submissions, also stands expunged to the extent of the underlined portion. The remaining portion of para 17 also is conclusion drawn based on such incorrect factual submissions, would also be amenable to expungement. Accordingly, the entire para 17 stands expunged from the judgment dated 21.05.2025. Thus, there would be no para 17 and the correction in the serial numbering be carried out by issuing necessary corrigendum.

7. We have also considered if the aforesaid action of expunging the submissions of para 17 will otherwise have any impact on the overall analysis of the present writ petition. In our considered opinion, these



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submissions and the observations made thereon being only one of the many reasons on why the present writ petition was dismissed, the expunging/removal of the observation would not impact the overall analysis or the outcome of the present writ petition.

8. In that view of the matter, the application is disposed of without it impacting the decision rendered in the judgment dated 21.05.2025.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

JANUARY 23, 2025/rl