

M/S Navayuga-Van Oord Jv vs Union Of India Through Ministry Of ... on 21 September, 2022

Author: Siddharth Mridul

Bench: Siddharth Mridul, Amit Sharma

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IN THE HIGH COURT OF DELHI AT NEW DELHI

FAO(OS) (COMM) 175/2022, CM APPL. 30600/2022, CM APPL. 30601/2022, CM APPL. 30602/2022, CM APPL. 31300/2022, CM APPL. 33281/2022, CM APPL. 33282/2022, CM APPL. 35304/2022 and CM APPL. 35924/2022

M/S NAVAYUGA-VAN OORD JV

..... Appella

Through: Mr. Parag Tripathi, Senior Advocate with Mr. Rishi Aggarwala, Mr. Saurav Aggarwal, Mr. Shanatnu Aggarwal, Mr. Apoorv Tripathi, Ms. Surabhi Katyal, Mr. Chandreya Maitra and Ms. Shruti Arora, Advocates.

versus

UNION OF INDIA THROUGH MINISTRY
DEFENCE, DIRECTOR GENERAL, PROJECT VARSHA

..... Respo

Through: Mr. Harish Vaidyanathan Shankar, CGSC with Mr. Srish Kumar Mishra, Mr. Sagar Mehlawat, Mr. Alexander Mathai Paikaday, Advocates.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% 21.09.2022 Our attention is invited to the circumstance, that the following applications are pending adjudication before this Bench:-

The present application under Section 151 of the Code of Civil Procedure, 1908, has been filed on behalf of the appellant, praying as follows:

'In view of the above facts and circumstances it is most respectfully prayed that this Hon'ble Court be pleased to:

- a) Direct the Respondent to provide the gate passes for entry into the site to all Appellant's personnel; and
- b) Direct the Respondent to not take any precipitative/coercive actions against the Appellant so as to alter the status prevailing as on 18.07.2022; and
- c) Pass any such further Order(s) that this Hon'ble Court deems fit and proper in the facts of the present case.' The pleadings are complete in the said application.

The present application under Section 151 of the Code of Civil Procedure, 1908, has been filed on behalf of the respondent, praying as follows:

'In the light of the aforementioned application, it is most humbly prayed that this Hon'ble Court may be pleased to:

- a) This Hon'ble Court may not prohibit the respondent to proceed further for completion of balance work of Project Varsha; and
- b) Pass any such further or other order(s) as this Hon'ble Court may deem fit in the facts and circumstances of the case.' The pleadings are complete in the said application.

There is yet another application being CM APPL. 35924/2022, under Section 151 of the Code of Civil Procedure, 1908, which has been filed on behalf of the appellant, praying as follows:

'In view of the above facts and circumstances it is most By:DURGESH NANDAN
Signing Date:23.09.2022 11:27:16 respectfully prayed that this Hon'ble Court may graciously be pleased to:

- a) Pass an order permitting the Appellant to bring on record the Annexure A-50, 'Expression of Interest for Construction of Balance Outer Harbour Works' bearing reference EOI NO.

DGV/o113/OHMW/BOW/o1 dated August 2022, filed along with the present application.

b) Pass any such further Order(s) that this Hon'ble Court deems fit and proper in the facts of the present case.' Mr. Harish Vaidyanathan Shankar, learned Central Government Standing Counsel states that they are instructed to file a reply to the present application. Let the same be done within one week from today, with an advance copy to learned counsel appearing on behalf of the appellant, who may file rejoinder thereto, if any, within one week thereafter.

Re-notify on 18.10.2022.

In the meantime, the parties are directed to comply with the status quo order passed by this Court on 18.07.2022, in letter and spirit.

SIDDHARTH MRIDUL, J.

AMIT SHARMA, J.

SEPTEMBER 21, 2022 at [Click here to check corrigendum](#), if any