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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(COMM) 70/2021 & I.A. 2094/2021**

B S PAWAR ENGINEERS AND CONTRACTORS Plaintiff
Through: Mr Jeevan R Patil, Mr J.N. Singh, Mr
Ramu Sankhla, Ms Sadhaa J Singh
and Mr N.N. Singh, Advs.

versus

UNION OF INDIA & ORS. Defendants
Through: Mr Vikram Jetly, CGSC with Ms
Shreya Hetly, Adv. and Mr Jitendra
Kumar Tripathi, G.P. for D-1 & D-5.
Mr Vikrant Pachnanda and Mr Mukul
Katyal, Advs. for D-2 to D-4.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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25.04.2024

1. From the pleadings of the parties, the following issues are framed:
 - i. Whether the suit is maintainable qua defendant Nos. 1 and 5, being no privity of contract between plaintiff and defendant Nos. 1 and 5 in view of the agreement dated 31.01.2014? **OPD1 & OPD5**
 - ii. Whether the suit is maintainable qua defendant Nos. 1 and 5 in view of the MoU dated 15.01.2009? **OPD1 & OPD5**
 - iii. Whether the plaintiff has executed and completed the contractual work satisfactorily? **OPP**
 - iv. Whether there is any outstanding amount due and payable by defendant Nos. 2 to 4 to the plaintiff in terms of the agreement? **OPP**
 - v. Whether the defendant Nos. 2 to 4 are justified in withholding



remaining R.A. Bill from 4th R.A. Bill? **OPD2 to OPD4**

- vi. Whether the plaintiff completed the work as per timelines stipulated in the contract? **OPP**
 - vii. Whether the retention of 10% as compensation by defendant Nos. 2 to 4 was justified? **OPD2 to OPD4**
 - viii. Whether the plaintiff is entitled to release of payment of GST? **OPP**
 - ix. Whether the plaintiff is entitled to interest? **OPP**
 - x. Relief.
2. List before the concerned Joint Registrar (Judicial) on 21.05.2024 for taking steps for recording of evidence.

JASMEET SINGH, J

APRIL 25, 2024

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[Click here to check corrigendum, if any](#)