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

+ **W.P.(C) 4364/2024**

**SRI SAI ENTERPRISES**

..... Petitioner

Through: Mr. Angad Mehta, Mr. S. Ram and  
Mr. Arsh, Advocates.

versus

**NATIONAL HIGHWAYS AUTHORITY OF INDIA**

..... Respondent

Through: Mr. Santosh Kumar, Standing  
Counsel with Mr. Kushagra Aman,  
Advocate.

**CORAM:**

**HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD**

**ORDER**

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**21.03.2024**

**CM APPL. 17878/2024 (Exemption)**

Allowed, subject to all just exceptions.

**W.P.(C) 4364/2024**

1. The Petitioner has approached this Court for a direction to the Respondent to release a sum of Rs.4,63,38,634/- to the Petitioner which according to the Petitioner is due and payable under the force majeure clause and which stands accepted by the Respondent. The Petitioner has also claimed for the release of the Performance Security of Rs. 4,97,49,000/- which according to the Petitioner is due and payable as the Respondent has already released the Bank Guarantee of an equal amount in favour of the Respondent.



2. It is stated by the learned Counsel appearing for the Petitioner that since the amounts are undisputed, this Court can exercise its jurisdiction under Article 226 of the Constitution of India without relegating the Petitioner to the remedy of a suit for claiming the aforesaid amounts.
3. Issue notice.
4. Mr. Santosh Kumar, learned Counsel, accepts notice on behalf of the Respondent/NHAI and seeks some time to get instructions and file a short reply indicating as to whether the aforesaid amounts are admitted or not.
5. Reply be filed within four weeks from today. Rejoinder thereto, if any, be filed within two weeks thereafter.
6. List on 21.05.2024.

**SUBRAMONIUM PRASAD, J**

**MARCH 21, 2024**

*S. Zakir*