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

+ **CS(COMM) 160/2019**

M/S NANDI INFRATECH PVT. LTD. Plaintiff

versus

M/S R.K. BARARIA, PROPRIETORSHIP Defendant

+ **CS(COMM) 166/2019, CCP(O) 74/2019, I.A. 4623/2019,
I.A. 8900/2019, I.A. 9652/2019, I.A. 11461/2019**

M/S R K BARARIA Plaintiff

versus

NANDI INFRATECH PRIVATE LIMITED Defendant

Present: Mr.Sanjay Bansal, Advocate for M/s R.K.Bararia.
Mr.Bipin Kumar, Mr.Suresh Chandra Sharma & Mr.Mohit
Saxena, Advocates for M/s Nandi Infratech Pvt. Ltd.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **22.01.2020**

1. Pursuant to earlier orders passed by this Court, each of the parties nominated an engineer to participate in the exercise of joint measurement of the work done, pursuant to the contract in question. Both the engineers [Mr.P.C.Chandana and Mr.J.C.Bhardwaj, both retired Superintendent Engineers, CPWD] have given their reports, which have been filed by the parties.

2. Learned counsel for the parties state that the two nominated engineers have submitted somewhat divergent reports. Without prejudice to their rights and contentions, they would like to attempt a resolution of these factual issues by reference to an independent engineer nominated by the two engineers who have conducted the joint measurement.



3. Mr. Chandana and Mr. Bhardwaj are therefore requested, within the next two weeks, to nominate an independent person with requisite qualification to consider the reports produced by both of them, and give a further report on the issue within eight weeks thereafter. The person nominated would be entitled to undertake further measurements also in consultation with the parties.
4. Learned counsel for the parties submit that this process would assist them to attempt a resolution of their disputes at this stage. They further state that as far as the measurements are concerned, their clients will accept the measurements arrived at by the independent engineer.
5. List on 21.05.2020.

PRATEEK JALAN, J

JANUARY 22, 2020

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