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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 5858/2021 and CM APPL. 4568/2023

PRATIBHA INDUSTRIES LIMITED

..... Petitioner

Through: Mr. Palzer Moktan, Advocate (M-9717407298)

versus

GOVERNMENT OF NCT OF DELHI AND ORS Respondents

Through: Mr. Santosh Kumar Tripathi, Standing Counsel with Mr. Arun Panwar, Mr. Tapes Raghav, Mr. Pradyumn Rao, Ms. Mahak Rankawat & Mr. Utkarsh Singh, Advocates for GNCTD.

Ms. Vrinda Awasthi, Ms. Sangeeta Bharti, Standing Counsel of DJB/ Respondent No. 2 (M- 9911434271)

Ms. Malvika Trivedi, Sr. Advocate with Ms. Rhea Verma, Mr. Shailendra Slaria & Mr. Sujal Gupta, Advocates for R-3.

Mr. Arvind Nigam, Sr. Advocate with Ms. Mumtaaz Bhalla, Mr. Karan Dev Chopra, Mr. Neeraj Malik & Mr. Honey Satpal, Advocates for R-4.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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31.01.2023

1. This hearing has been done through hybrid mode.
2. The present application has been filed by Respondent No.4 seeking release of a sum of Rs.18 crores by Engineers India Limited (EIL) in terms of the order dated 18th November, 2021 in **W.P. (C) 4900/2021** titled '**Mr. Ajit Bhagwan Kulkarni v. Public Grievances Commission, NCT of Delhi**



& Ors.’ Mr. Nigam, Id. Senior Counsel submits that vide the said order, this Court had recorded that 50% of the amount of Rs.36 crores may be released in terms of paragraphs 9 and 10. The said portion of the order reads as:

“9. In my view, even though the non-applicants ought to be granted time to file a reply to the present application so that comprehensive orders can be passed, in case the work is not immediately commenced, public interest will suffer as it is an admitted position that the stoppage of the project in question is leading to pollution of the river Yamuna which deserves to be stopped at any cost. **I am therefore, of the opinion that irrespective of the pending disputes between the parties, out of a sum of about Rs. 36 crores, which as per the respondent no.4 is already due and payable towards the work done, for the present, 50 per cent of the amount ought to be released in favour of respondent no.2.**

10. It is, accordingly, directed that respondent no. 3 will forthwith deposit the amount claimed by respondent no.4 which amount is stated to be about Rs.36 crores. Upon receipt of the said amount 50 per cent of the same will be released in favour of respondent no. 2, who will then forthwith commence the work at the site and also release the pending dues of the workmen.”

Mr. Nigam thus submits that the remaining 50% is also liable to be released as the project is now completed.

3. Ms. Trivedi, Id. Senior Counsel appearing for EIL submits that she would like to respond to this application as some work is still outstanding and even workers’ dues have not been paid. Be that as it may, let a reply be filed by the contesting Respondents including EIL and DJB as also the Petitioner, within a period of two weeks. Rejoinder be filed within a period of two weeks, thereafter.



4. List on 14th March, 2023.
5. Interim order dated 4th June, 2022 to continue.

PRATHIBA M. SINGH, J.

JANUARY 31, 2023

Rahul/AM