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

+ W.P.(C) 5858/2021 & CM APPL. 18404/2021,

PRATIBHA INDUSTRIES LIMITED

..... Petitioner

Through:

versus

GOVERNMENT OF NCT OF DELHI AND ORS. Respondents

Through: Mr. Santosh Kumar Tripathi,
Standing Counsel (C) for GNCTD
with Mr. Arun Panwar, Mr. Rishabh
Srivastava, Mr. Pradyumn Rao, Mr.
Utkarsh Singh, Mr. Kartik Sharma,
Ms. Nikita Vir and Ms. Prashansa
Sharma, Advocates.

Ms. Sangeeta Bharti, Standing
Counsel for DJB with Ms. Malvi
Balyan, Ms. Aarushi, Advocates for
R-2

Ms Malvika Trivedi, Sr. Advocate
with Ms. Rhea Verma and Mr.
Shailendra Slaria, Advocates for R-3.
Mr. Gaurav Mitra, Ms. Honey Satpal,
Ms. Sejal Gupta, Advocates for R-4/
RKC

Mr. Rishi K. S. Gautam, Advocate for
Union Bank of India.

Mr. J Rajesh, Mr. Dhrupad Vaghani,
Mr. Jaitegan Singh Khurana, Mr.
Tushar Goel, Advocates for the
Liquidator

Ms. Mannat Tipnis, Advocate for
Indian Bank



CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER
30.01.2024

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CM APPL. 4568/2023

1. This is an application on behalf of Respondent No.4/Applicant seeking a direction to the Respondent No.3/Engineers India Limited (EIL) to release the balance amount of Rs.18 crores in favour of Respondent No.4 in terms of the Order dated 18.11.2021 passed by this Court in W.P.(C) 4900/2021.
2. The instant writ petition has been filed by one Pratibha Industries through its Liquidator challenging an Order dated 25.03.2021 passed by the Public Grievance Commission, GNCTD, whereby Pratibha Industries and its other JV partners were directed to release the outstanding payments to Respondent No.4, among others.
3. Another writ petition had been filed being W.P.(C) 4900/2021. In the said writ petition, the Delhi Jal Board had filed CM APPL.41144/2021, praying for the following reliefs:-

“i) Allow the present applicant direct the respondent no.4/EIL to resolve the dispute with its Contractor/sub-contractor qua the unpaid bills immediately; AND

ii) Direct the respondent no.5 & 6 to submit the long pending RA and final bills through its legal representative and submit the same to the respondent no.4/EIL within 3 days. AND

iii) Direct the respondent no.4 / EIL to prepare, verify and certify the bills of sub-contractor of main



contractor and submit to the applicant/DJB if the main contractor fails to submit the bills as prayed in prayer (ii) with specific condition that the said payment shall be subject to outcome of the this writ petition as well as any directions issued/passed by any Hon'ble Courts including the writ petition filed by the PMC before this Hon'ble Court or any litigation pertaining to the present project & its contractor or subcontractor get the work finished at earliest in case, the Contractor fails to verify the final/running bills and report to the EIL -within a period of two days, the AND

iv) Direct the EIL /respondent No. 4 to comply with the directions of the applicant/DJB given in 76117 PMU (G) meeting held on 12.10.2021 and in compliance of order dated 25. 03.2021 passed by the Ld. PGC.

v) Restrain the EIL /respondent no.4, 5 & 6 for creating in hindrance in peaceful completion of the project;

vi) Pass such further and other order(s), direction(s) as this Hon'ble Court may deem fit and proper for the ends of justice.”

4. This Court vide Order dated 18.11.2021 in CM APPL. 41144/2021, had directed that out of a total sum of Rs.36 crores which is due and payable by Respondent No.3/EIL towards the work done, 50% of the amount should be released in favour of Respondent No.4 herein regardless of any pending disputes between the parties.

5. The Delhi Jal Board was directed to deposit a sum of Rs.36 crores with Respondent No.3/EIL and on the receipt of the said amount,



Respondent No.3/EIL was directed to release Rs.18 crores to Respondent No.4 herein. It is stated that Rs. 18 crores have been released by Respondent No.3/EIL.

6. Ms. Malvika Trivedi, learned Senior Counsel for the Respondent No.3/EIL, states that the balance of Rs.18 crores cannot be released to the Respondent No.4 because the work has yet not been completed to the satisfaction of the EIL & DJB and is yet to be handed over by the Respondent No.4.

7. Learned Counsel for Respondent No.4 states that the work shall be handed over to the Delhi Jal Board/EIL within a period of two weeks from today.

8. List on 19.02.2024.

9. Respondent No.4/RKC is directed to give the details of the pending dues of the workers to the DJB/EIL and to this Court before the next date of hearing.

SUBRAMONIUM PRASAD, J

JANUARY 30, 2024

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