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

+ **CONT.CAS(C) 915/2024 & CM APPL. 33229/2024**

SALMA DAM JOINT VENTURE & ANR. Petitioners

Through: Ms. Prity Sharma, Adv. with Mr.
Sandeep Ratra, Adv. for petitioners 1
and 2.
M: 9911028589, 9267916617

versus

WAPCOS LIMITED & ANR. Respondents

Through: Mr. Milanka Chaudhary and Ms.
Swet Shikha, Advs. for R-1.
M: 7838493149
Mr. Ishan Sanghi, Ms. Sagrika
Wadhwa, Mr. Nikhil Arora and Ms.
Poorvashi Kalra, Advs. for R-2.
M: 9999712309
Email: ishan@sanghi.co

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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29.05.2024

CM APPL. 33229/2024 (For Exemption)

1. Exemption allowed, subject to just exceptions.
2. Application is disposed of.

CONT.CAS(C) 915/2024

3. The present petition has been filed alleging willful disobedience of the order dated 26th February, 2024, passed in *FAO (OS)(COMM) No. 267/2023*.
4. By order dated 26th February, 2024, the Division Bench of this Court, had passed the directions as follows:



“xxx xxx xxx

3. Counsel for respondent nos.2 and 3 says that Annexure A/5 constitutes the final bill, and therefore, the non-applicant/appellant should be called upon to deposit the retention money.

3.1 Counsel for respondent no. 1 also confirms that Annexure A/5 is the final bill.

4. Mr Jayant Mehta, learned senior counsel, who appears on behalf of the non-applicant/appellant, says that if respondent nos.2 and 3 are in agreement that Annexure A/5 is the final bill, the non-applicant/appellant will process and verify the same and thereafter deposit the retained amount which emerges after such exercise is completed.

4.1 The statement of Mr. Mehta is taken on record.

xxx xxx xxx”

5. Learned counsel appearing for the petitioner submits that despite the aforesaid undertaking, the requisite amount has not been deposited in the Court. He submits that the amount has been retained by the respondent since 05th September, 2016.

6. Issue notice. Notice is accepted by learned counsel appearing for the respondents.

7. Learned counsel appearing for respondent no.1 submits that an application seeking extension of time to comply with the directions of the Court passed vide order dated 26th February, 2024, has been filed, which is next listed for hearing on 24th July, 2024.

8. Learned counsel appearing for the petitioner submits that no notice has been issued on the said application.

9. Let reply be filed within a period of four weeks.

10. Rejoinder thereto, if any, be filed within two weeks, thereafter.



11. Re-notify on 07th August, 2024.

MINI PUSHKARNA, J

MAY 29, 2024/kr