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

+ **CS(COMM) 580/2021**

**LARSEN AND TOUBRO LIMITED** ..... Plaintiff

Through Mr. Manu Seshadri, Mr. Aveak  
Ganguly, Mr. Abhijit Lal & Ms.  
Pallavi Anand, Advs.

versus

**NBCC INDIA LIMITED AND ANR** ..... Defendants

Through Adv. (appearance not given) for  
Defendant No.1/NBCC.  
Dr. Subhash C Gupta, Adv. for  
Defendant No.2.

**CORAM:**

**HON'BLE MR. JUSTICE SURESH KUMAR KAIT**

**ORDER**

% **03.02.2022**

The hearing has been conducted through video conferencing.

**I.A. 15265/2021**

1. Present application has been preferred by plaintiff under Order XIII A read with Section 151 CPC for passing summary judgment in favour of the applicant and against defendant no.1 directing payment of Rs.12,75,45,212/.
2. Learned counsel for the defendant no.1/NBCC submits that payment has already been made to the plaintiff, which is not disputed by learned counsel for the plaintiff. However, learned counsel for plaintiff submits that payment was accepted without prejudice to the rights and contentions of plaintiff.



3. In view of above, the present application is disposed of while giving liberty to the parties to agitate the issues, if any so remains, in the main suit.

4. Needless to state that applicant/plaintiff reserves his rights to claim the balance escalation payments from respondent no.1 and respondent no.2 along with interest from when the amounts became due till date of payment.

**CS(COMM) 580/2021 & I.A. 15007/2021 (u/O II R 2 CPC)**

5. Renotify before learned Joint Registrar on 25.02.2022, the date already fixed.

**SURESH KUMAR KAIT, J**

**FEBRUARY 03, 2022/ab**