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

+ W.P.(C) 10822/2016

VVC REALINFRA PRIVATE LIMITED Petitioner

Through: Mr Divyakant Lahoti, Mr
Parikshit Ahuja, Ms Amrita Grover,
Ms Praveena Bisht and Ms Madhur
Jhavar, Advocates.

versus

GAIL INDIA LIMITED Respondent

Through: Ms Purnima Maheshwari, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **08.07.2019**

1. It has been, *inter alia*, affirmed in the affidavit filed on behalf of the respondent as under:-

“It is submitted that the petitioner has submitted his final / 8th RA Bill which consists of (i) Cenvatable invoice wrongly dated as 26.12.2012 but signed on 21.06.2013, (ii) memorandum of payment wrongly dated as 26.12.2012 but signed on 21.06.2013 and (iii) abstract of cost running into 44 pages all signed on 21.06.2013.”

2. It is also stated in the said affidavit that the Vigilance Department had commenced investigation on 14.03.2013 and had observed the discrepancies in question. Sensing the same, respondent submitted the 8th R.A. Bill which indicated a credit for the excess payment already received.

3. The learned counsel appearing for the petitioner states that in fact, the 8th R.A. Bill had been submitted on 26.12.2012 (the date on which it was signed). He states that the same was thereafter examined by the M/s Mathur

Ugam & Associates (the Consultants appointed by GAIL). It was thereafter forwarded by the said Consultant to the respondent on or about 26.02.2013. He states that the Schedule of Rates (SOR) required amendment, which was done on 19.06.2013 and thereafter, the petitioner had once again initialled the 8th R.A. Bill which was in possession of the respondent at the material time. This was to indicate the petitioner's acknowledgement to the amendments.

4. He also drew the attention of this Court to the show cause notice issued to the Consultant, which alleges that the Consultant had forwarded the 8th R.A. Bill on or after 26.02.2013.

5. It does appear from the above that the affidavit affirmed on behalf of the respondent is not consistent with the show cause notice issued by respondent to M/s Mathur Ugam and Associates.

6. The respondent is directed to file an affidavit clearly stating the date on which it received the copy of the 8th RA Bill initially. The respondent shall also affirm on an affidavit whether any register is maintained to record the receipts of the bills and documents received. The said affidavit be filed within a period of two weeks from today.

7. List on 29.07.2019.

8. Order *dasti* under signature of Court Master.

VIBHU BAKHRU, J

JULY 08, 2019/RK