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

+ O.M.P. (COMM) 307/2023

**NATIONAL HIGHWAYS AUTHORITY OF INDIA**

..... Petitioner

Through: Mr. S.K. Maniktala, Mr. Ayush  
Kumar and Mr. Mohit, Advs.

Versus

**APCO INFRATECH PVT LTD**

..... Respondent

Through: Mr. Kaushik Laik, Mr. Akshay  
Kaushik, Mr. Shashank Tiwari, Advs.

**CORAM:**

**HON'BLE MS. JUSTICE REKHA PALLI**

**ORDER**

**14.08.2023**

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**I.A. 15137/2023 -Ex.**

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

**CAV 410/2023**

3. Since learned counsel for the respondent enters appearance, the caveat stands discharged.

**I.A. 15138/2023 -Delay 3 days**

4. This is an application preferred by the petitioner seeking condonation of delay of 3 days in filing the petition.
5. For the reasons stated in the application, the aforesaid delay of 3 days in filing the petition is condoned.



6. The application stands disposed of.

**O.M.P. (COMM) 307/2023**

7. The present petition under Section 34 of the Arbitration and Conciliation Act, 1996 seeks to assail the award dated 16.04.2023 passed by the learned Arbitral Tribunal. The only submission of learned counsel for the petitioner is that the learned Tribunal has committed a perversity in awarding huge overhead charges under various heads without appreciating that as per Clause 3.1 of the Standard Data Book by which parties are governed, overhead charges could not exceed 8% of the value of the contract. He further submits that this issue was specifically raised before the learned Tribunal but has not even been considered in the impugned award.
8. Issue notice. Mr. Kaushik Laik accepts notice on behalf of the respondent. He prays for and is granted six weeks time to file a reply. Rejoinder thereto, if any, be filed within four weeks thereafter.
9. List on 19.01.2024.
10. It is made clear that this Court has not stayed the operation of the impugned award and therefore, it will be open for the respondent to seek enforcement thereof in accordance with law.

**AUGUST 14, 2023**

**acm**

**REKHA PALLI, J**