



# भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

(सड़क परिवहन और राजमार्ग मंत्रालय, भारत सरकार)

## National Highways Authority of India

(Ministry of Road Transport and Highways, Government of India)

जी-5 एवं 6, सेक्टर-10, द्वारका, नई दिल्ली - 110 075 • G-5 & 6, Sector-10, Dwarka, New Delhi-110075

दूरभाष/Phone : 91-11-25074100 / 25074200



### NHA/Policy Guidelines/ Dispute Resolution /2023 Policy Circular No.2.1.67/2023 dated 22<sup>nd</sup> December, 2023

(Decision taken on E-Office File No. NHA/Legal&Arb/VivadseViswasTak-II(ContractualDisputes)/2023/01 (Comp. No. 208809))

**Sub: Standardization of template for filing petitions under Section 34 & Section 37 of Arbitration and Conciliation Act, 1996 for withdrawal of ongoing court cases at Delhi High Court under "Vivad Se Vishwas - II" Scheme - reg.**

NHA vide Policy Circular No. 2.1.60/2023 dated 4<sup>th</sup> July, 2023 had issued SOP/ Guidelines regarding one time settlement through "Vivad se Vishwas II" (Contractual Disputes).

- In terms of clause (ix) to (xii) of the aforementioned policy guidelines, NHA as well as Contractors are required to withdraw ongoing court cases before Hon'ble Delhi High Court which have been settled in terms of "Vivad se Vishwas II" scheme.
- In order to facilitate the Technical Divisions for implementation of said policy guidelines for withdrawal of court cases, Legal and Arbitration Division has prepared a Standardized Template for filing petitions under Section 34 and Section 37 of Arbitration and Conciliation Act which will facilitate a seamless and efficient withdrawal process of court cases by the NHA as well as contractors. The copies of the templates are attached. (Annexure - I & II)
- In view of the above, Technical Divisions are requested to initiate appropriate action for withdrawal of ongoing court cases pertaining to their Divisions by NHA as well as contractors in terms of said policy guidelines.
- This issues with the approval of Competent Authority.

Encl.: Templates of petitions (Annexure - I & II)

22/12/23

(Sanjay Kumar Patel)  
General Manager (Coord.)

To:

All Officers of NHA HQ/ ROs/ PIUs/ CMUs/ Site Offices

Copy to:

- Hindi Division for translation in Hindi.
- Library for hosting the circular on library site.
- Web Admin for circulation.

**IN THE HIGH COURT OF DELHI AT NEW DELHI**  
**(APPELLANT JURISDICTION)**

**I.A. NO      OF 2023**

**IN**

**FAO (OS) (COMM.) No. \_\_\_\_ OF 2023**

**IN THE MATTER OF:**

**National Highways Authority of India**

**... Appellant**

**Versus**

**{Name of the Contractor/Respondent}**

**...Respondent**

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5	Document A-1	
6	Document A-2	

**{Name of the Advocate, Address & Seal}**

Place: New Delhi

Date:



IN THE HIGH COURT OF DELHI AT NEW DELHI  
(APPELLANT JURISDICTION)

L.A. NO OF 2023

IN

FAO (OS) (COMM.) No. \_\_\_\_ OF 2023

IN THE MATTER OF:

National Highways Authority of India

... Appellant

Versus

{Name of the Contractor/Respondent}

...Respondent

URGENT APPLICATION

To,  
The Registrar  
High Court of Delhi  
New Delhi

Sir,

Request you to kindly treat the accompanying Application as urgent in accordance with the Delhi High Court Rules and Orders. The grounds of urgency are as under:

*That urgent directions have been prayed for in the present Application.*

{Name of the Advocate, Address & Seal}

Place: New Delhi

Date:



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

**National Highways Authority of India**

**... Appellant**

**Versus**

**{Name of the Contractor/Respondent}**

**...Respondent**

**NOTICE OF MOTION**

To,

The Registrar

High Court of Delhi

New Delhi

Sir,

This is to inform you that the Appellant has filed the enclosed Application and the same is likely to be listed on \_\_\_\_\_ or any day, thereafter. Please take notice accordingly.

*{Name of the Advocate, Address & Seal}*

Place: New Delhi

Date:





**IN THE HIGH COURT OF DELHI AT NEW DELHI**  
**(APPELLANT JURISDICTION)**

**L.A. NO      OF 2023**

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**FAO (OS) (COMM.) No. \_\_\_\_ OF 2023**

**IN THE MATTER OF:**

**National Highways Authority of India**

**... Appellant**

**Versus**

**{Name of the Contractor/Respondent}**

**...Respondent**

**COURT FEES**

***{Name of the Advocate, Address & Seal}***

**Place: New Delhi**

**Date:**



IN THE HIGH COURT OF DELHI AT NEW DELHI  
(APPELLANT JURISDICTION)

I.A. NO      OF 2023

IN

FAO (OS) (COMM.) No. \_\_\_\_ OF 2023

IN THE MATTER OF:

National Highways Authority of India

... Appellant

Versus

{Name of the Contractor/Respondent}

...Respondent

APPLICATION UNDER ORDER 23, RULE 3 READ WITH SECTION 151 OF CODE OF CIVIL PROCEDURE, 1908 ON BEHALF OF THE APPELLANT SEEKING WITHDRAWAL OF FAO (OS) (COMM) \_\_\_\_/2023 IN VIEW OF SETTLEMENT UNDER VSV II SCHEME BETWEEN PARTIES.

MOST RESPECTFULLY SHOWETH:

1. That the present Application is being filed by the Applicant on account of the settlement of dispute with the Respondent {Name of the Contractor} under the Government of India's scheme titled Vivad se Vishwas II (Contractual Disputes).
2. That the Applicant and the Respondent entered into a Concession agreement dated {Date of the agreement} whereby the Respondent was awarded a contract for {Name of the project}.
3. The disputes arose between the parties in relation to the Project and the same were referred to Arbitration by way of Respondent's notice dated {Date of invocation of the AT} by a three-member Arbitral Tribunal.
4. The Ld. Arbitral Tribunal pronounced the award on {Date of the Award} in favour of the Respondent ("Award").
5. Thereafter, Applicant filed a Petition under Section 34 of the A&C Act titled "National Highways Authority of India vs {Name of the Respondent}"

bearing O.M.P. (COMM) \_\_\_\_/20\_\_ before this Hon'ble Court to challenge the Award. The same was dismissed by this Hon'ble Court vide its order dated {*Date of dismissal of the OMP (Comm)*}. That the FAO (OS) (Comm) \_\_\_\_/2023 appeal is fixed for arguments on {*NDOH*}.

6. That the Government of India notified Vivad se Vishwas Scheme II (Contractual Disputes) dated 29.05.2023 setting out procedures for settlement of contractual disputes between various Government Organisations/Public Sector entities including the disputes raised by parties challenging the awards passed by Arbitral Tribunals/Courts. A copy of scheme is filed herewith for ready reference as {*Number of document*}. Thereafter, in line with Step-4, Para-14, Page 6/12 of OM dated 29.05.2023 if DOE, MOF, NHAI vide letter dated {*Date*} requested the Contractor {*Name of Contractor/Concessionaire*} to provide the documents indicating permission of the Court to withdraw such cases which are in progress against NHAI in the present settlement matter, if any.

7. In line with step-3, Para-14, Page 6/12 of OM dated 29.05.2023 an acknowledgement of the fact that the terms of the terms of the settlement agreement have been willingly and finally accepted by both the parties on {*DATE*}. The dispute has ceased and the formal settlement agreement u/s.73 (2) of Arbitration & conciliation Act 1996 shall be executed and implemented in due course as per scheme guidelines

8. Vide para 14 of the said Scheme, once the parties settle their disputes, the Parties needs to file appropriate application before the Hon'ble Court for withdrawal of the Appeal. The relevant part of para 14 of the Scheme is reproduced herein below for ready reference;

*"In case the procuring entity has to withdraw the case from Court, the procuring entity shall also file an application for such withdrawal within 45 days."*

9. Since, the parties have settled all their disputes arising out of above-mentioned award pursuant to said Scheme, nothing survives between parties to be adjudicated by this Hon'ble Court. Hence, present application is being filed on behalf of Petitioner seeking withdrawal of present Petition subject to the condition that both the parties sign the Settlement Agreement.

10. That the present application is being made bonafide and in the interest of justice and no prejudice is going to be caused to Respondent.

### PRAYER

In the facts and circumstances as enumerated herein above it is most respectfully prayed that this Hon'ble Court may be please to: -





- a. Allow the Appellant to withdraw the present Appeal unconditionally in view of settlement between parties.
- b. And pass such other and /or further orders as this Hon'ble Court may deem fit and proper to meet the ends of justice.

**APPELLANT**

**THROUGH**

*{Name of the Advocate, Address & Seal}*

Place: New Delhi

Date:





**IN IN THE HIGH COURT OF DELHI AT NEW DELHI  
(APPELLANT JURISDICTION)**

**I. A. NO    OF 2023**

**IN**

**FAO (OS) (COMM) No. \_\_\_\_ OF 2023**

**IN THE MATTER OF:**

**National Highways Authority of India**

**... Appellant**

**Versus**

**{Name of the Respondent/Contractor}**

**...Respondent**

**AFFIDAVIT**

I, {Name of the deponent}, S/O {Name of the Father}, aged \_\_\_\_ working as {Designation of the Deponent} and having its office at {Address of the Deponent}, do hereby solemnly affirm and declare as under:

1. That I am authorised representative of Appellant in the aforesaid appeal and as such I am well conversant with the facts of the present case and thus competent to swear this present affidavit.

2. That the contents of the accompanying application under Order 23, Rule 3 Read with section 151 of Code of Civil Procedure, 1908 have been drafted by my Counsel in view of settlement between parties under my instructions which is also based on the records. I have read and understood the contents of the application and the same may kindly be read as part and parcel of the instant affidavit contents whereof are not repeated herein for the sake of brevity and to avoid repetition.

3. That the above are my true and correct statements.



**DEPONENT**

**VERIFICATION: -**

I, {*Name of the Deponent*}, the above-named deponent do hereby verify that the contents of my above mentioned affidavit are true to my knowledge which is also based on records and nothing material has been concealed therefrom and no part thereof is false.

Verified at {*Place of affidavit*} on this day      of December 2023.

**DEPONENT**



**IN THE HIGH COURT OF DELHI AT NEW DELHI**  
**(APPELLANT JURISDICTION)**

**L.A. NO      OF 2023**

**IN**

**FAO (OS) (COMM.) No. \_\_\_\_ OF 2023**

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**National Highways Authority of India**

**... Appellant**

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**{Name of the Contractor/Respondent}**

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**{Name of the Advocate, Address & Seal}**

Place: New Delhi

Date:



**IN THE HIGH COURT OF DELHI AT NEW DELHI  
(APPELLANT JURISDICTION)**

**I.A. NO      OF 2023**

**IN**

**FAO (OS) (COMM.) No. \_\_\_\_ OF 2023**

**IN THE MATTER OF:**

**National Highways Authority of India**

**... Appellant**

**Versus**

**{Name of the Contractor/Respondent}**

**...Respondent**

**URGENT APPLICATION**

To,  
The Registrar  
High Court of Delhi  
New Delhi

Sir,

Request you to kindly treat the accompanying Application as urgent in accordance with the Delhi High Court Rules and Orders. The grounds of urgency are as under:

*That urgent directions have been prayed for in the present Application.*

*{Name of the Advocate, Address & Seal}*

Place: New Delhi

Date:





**IN THE HIGH COURT OF DELHI AT NEW DELHI  
(APPELLANT JURISDICTION)**

**I.A. NO      OF 2023**

**IN**

**FAO (OS) (COMM.) No. \_\_\_\_ OF 2023**

**IN THE MATTER OF:**

**National Highways Authority of India**

**... Appellant**

**Versus**

**{Name of the Contractor/Respondent}**

**...Respondent**

**NOTICE OF MOTION**

To,

The Registrar

High Court of Delhi

New Delhi

Sir,

This is to inform you that the Appellant has filed the enclosed Application and the same is likely to be listed on \_\_\_\_\_ or any day, thereafter. Please take notice accordingly.

*{Name of the Advocate, Address & Seal}*

Place: New Delhi

Date:



**IN THE HIGH COURT OF DELHI AT NEW DELHI  
(APPELLANT JURISDICTION)**

**I.A. NO      OF 2023**

**IN**

**FAO (OS) (COMM.) No. \_\_\_\_ OF 2023**

**IN THE MATTER OF:**

**National Highways Authority of India**

**... Appellant**

**Versus**

**{Name of the Contractor/Respondent}**

**...Respondent**

**COURT FEES**

***{Name of the Advocate, Address & Seal}***

**Place: New Delhi**

**Date:**



IN THE HIGH COURT OF DELHI AT NEW DELHI  
(APPELLANT JURISDICTION)

L.A. NO OF 2023

IN

FAO (OS) (COMM.) No. \_\_\_ OF 2023

IN THE MATTER OF:

National Highways Authority of India

... Appellant

Versus

{Name of the Contractor/Respondent}

...Respondent

APPLICATION UNDER ORDER 23, RULE 3 READ WITH SECTION 151 OF CODE OF CIVIL PROCEDURE, 1908 ON BEHALF OF THE APPELLANT SEEKING WITHDRAWAL OF FAO (OS) (COMM) \_\_\_/2023 IN VIEW OF SETTLEMENT UNDER VSV II SCHEME BETWEEN PARTIES.

MOST RESPECTFULLY SHOWETH:

1. That the present Application is being filed by the Applicant on account of the settlement of dispute with the Respondent {Name of the Contractor} under the Government of India's scheme titled Vivad se Vishwas II (Contractual Disputes).
2. That the Applicant and the Respondent entered into a Concession agreement dated {Date of the agreement} whereby the Respondent was awarded a contract for {Name of the project}.
3. The disputes arose between the parties in relation to the Project and the same were referred to Arbitration by way of Respondent's notice dated {Date of invocation of the AT} by a three-member Arbitral Tribunal.
4. The Ld. Arbitral Tribunal pronounced the award on {Date of the Award} in favour of the Respondent ("Award").
5. Thereafter, Applicant filed a Petition under Section 34 of the A&C Act titled "National Highways Authority of India vs {Name of the Respondent}"



bearing O.M.P. (COMM) \_\_\_\_/20\_\_ before this Hon'ble Court to challenge the Award. The same was dismissed by this Hon'ble Court vide its order dated {*Date of dismissal of the OMP (Comm)*}. That the FAO (OS) (Comm) \_\_\_\_/2023 appeal is fixed for arguments on {*NDOH*}.

6. That the Government of India notified Vivad se Vishwas Scheme II (Contractual Disputes) dated 29.05.2023 setting out procedures for settlement of contractual disputes between various Government Organisations/Public Sector entities including the disputes raised by parties challenging the awards passed by Arbitral Tribunals/Courts. A copy of scheme is filed herewith for ready reference as {*Number of document*}. Thereafter, in line with Step-4, Para-14, Page 6/12 of OM dated 29.05.2023 if DOE, MOF, NHAI vide letter dated {*Date*} requested the Contractor {*Name of Contractor/Concessionaire*} to provide the documents indicating permission of the Court to withdraw such cases which are in progress against NHAI in the present settlement matter, if any.

7. In line with step-3, Para-14, Page 6/12 of OM dated 29.05.2023 an acknowledgement of the fact that the terms of the terms of the settlement agreement have been willingly and finally accepted by both the parties on {*DATE*}. The dispute has ceased and the formal settlement agreement u/s.73 (2) of Arbitration & conciliation Act 1996 shall be executed and implemented in due course as per scheme guidelines

8. Vide para 14 of the said Scheme, once the parties settle their disputes, the Parties needs to file appropriate application before the Hon'ble Court for withdrawal of the Appeal. The relevant part of para 14 of the Scheme is reproduced herein below for ready reference;

*"In case the procuring entity has to withdraw the case from Court, the procuring entity shall also file an application for such withdrawal within 45 days."*

9. Since, the parties have settled all their disputes arising out of above-mentioned award pursuant to said Scheme, nothing survives between parties to be adjudicated by this Hon'ble Court. Hence, present application is being filed on behalf of Petitioner seeking withdrawal of present Petition subject to the condition that both the parties sign the Settlement Agreement.

10. That the present application is being made bonafide and in the interest of justice and no prejudice is going to be caused to Respondent.

#### PRAYER

In the facts and circumstances as enumerated herein above it is most respectfully prayed that this Hon'ble Court may be please to: -



- a. Allow the Appellant to withdraw the present Appeal unconditionally in view of settlement between parties.
- b. And pass such other and /or further orders as this Hon'ble Court may deem fit and proper to meet the ends of justice.

**APPELLANT**

**THROUGH**

*{Name of the Advocate, Address & Seal}*

Place: New Delhi

Date:



**IN IN THE HIGH COURT OF DELHI AT NEW DELHI  
(APPELLANT JURISDICTION)**

**I. A. NO      OF 2023**

**IN**

**FAO (OS) (COMM) No. \_\_\_\_ OF 2023**

**IN THE MATTER OF:**

**National Highways Authority of India**

**... Appellant**

**Versus**

**{Name of the Respondent/Contractor}**

**...Respondent**

**AFFIDAVIT**

I, {Name of the deponent}, S/O {Name of the Father}, aged \_\_\_\_ working as {Designation of the Deponent} and having its office at {Address of the Deponent}, do hereby solemnly affirm and declare as under:

1. That I am authorised representative of Appellant in the aforesaid appeal and as such I am well conversant with the facts of the present case and thus competent to swear this present affidavit.

2. That the contents of the accompanying application under Order 23, Rule 3 Read with section 151 of Code of Civil Procedure, 1908 have been drafted by my Counsel in view of settlement between parties under my instructions which is also based on the records. I have read and understood the contents of the application and the same may kindly be read as part and parcel of the instant affidavit contents whereof are not repeated herein for the sake of brevity and to avoid repetition.

3. That the above are my true and correct statements.



**DEPONENT**

**VERIFICATION: -**

I, *{Name of the Deponent}*, the above-named deponent do hereby verify that the contents of my above mentioned affidavit are true to my knowledge which is also based on records and nothing material has been concealed therefrom and no part thereof is false.

Verified at *{Place of affidavit}* on this day      of December 2023.

**DEPONENT**



Annexure - II

**IN THE HIGH COURT OF DELHI AT NEW DELHI**  
**(CIVIL ORIGINAL JURISDICTION)**

**I.A. NO      OF 2023**

**IN**

**OMP (COMM.) No. \_\_\_\_ OF 2023**

**IN THE MATTER OF:**

**National Highways Authority of India**

**... Petitioner**

**Versus**

**{Name of the Contractor/Respondent}**

**...Respondent**

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5	<b>Document A-1</b>	
6	<b>Document A-2</b>	

**{Name of the Advocate, Address & Seal}**

**Place: New Delhi**

**Date:**





IN THE HIGH COURT OF DELHI AT NEW DELHI  
(CIVIL ORIGINAL JURISDICTION)

L.A. NO OF 2023

IN

OMP (COMM.) No. \_\_\_\_ OF 2023

IN THE MATTER OF:

National Highways Authority of India

... Petitioner

Versus

{Name of the Contractor/Respondent}

...Respondent

URGENT APPLICATION

To,  
The Registrar  
High Court of Delhi  
New Delhi

Sir,

Request you to kindly treat the accompanying Application as urgent in accordance with the Delhi High Court Rules and Orders. The grounds of urgency are as under:

*That urgent directions have been prayed for in the present Application.*

{Name of the Advocate, Address & Seal}

Place: New Delhi

Date:



**IN THE HIGH COURT OF DELHI AT NEW DELHI**  
**(CIVIL ORIGINAL JURISDICTION)**

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**IN THE MATTER OF:**

**National Highways Authority of India**

**... Petitioner**

**Versus**

**{Name of the Contractor/Respondent}**

**...Respondent**

**NOTICE OF MOTION**

To,

The Registrar

High Court of Delhi

New Delhi

Sir,

This is to inform you that the Petitioner has filed the enclosed Application and the same is likely to be listed on \_\_\_\_\_ or any day, thereafter. Please take notice accordingly.

***{Name of the Advocate, Address & Seal}***

Place: New Delhi

Date:



**IN THE HIGH COURT OF DELHI AT NEW DELHI**  
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**LA. NO      OF 2023**

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**National Highways Authority of India**

**... Petitioner**

**Versus**

**{Name of the Contractor/Respondent}**

**...Respondent**

**COURT FEES**

***{Name of the Advocate, Address & Seal}***

**Place: New Delhi**

**Date:**



IN THE HIGH COURT OF DELHI AT NEW DELHI  
(CIVIL ORIGINAL JURISDICTION)

I.A. NO OF 2023

IN

OMP (COMM.) No. OF 2023

IN THE MATTER OF:

National Highways Authority of India

... Petitioner

Versus

{Name of the Contractor/Respondent}

...Respondent

APPLICATION UNDER ORDER 23, RULE 3 READ WITH SECTION 151 OF CODE OF CIVIL PROCEDURE, 1908 ON BEHALF OF THE PETITIONER SEEKING WITHDRAWAL OF PETITION IN VIEW OF SETTLEMENT UNDER VIVAD SE VISHWAS II SCHEME BETWEEN PARTIES.

**MOST RESPECTFULLY SHOWETH:**

1. That the Present petition was filed u/s 34 of the Arbitration & Conciliation Act 1996 by Petitioner challenging the Award dated {*Date of the award*} passed by the Arbitral Tribunal comprising of {*Name of the AT Members*} in which the LD AT unanimously allowed claims of damages being Claim no. 1 (details of the claims), Claim no. 2 (details of the claims), Claim no. 3 (details of the claims), Claim no. 8 (details of the claims), Claim no. 9 (details of the claims) of {Name of the Contractor}.
2. That the **Petitioner** and the Respondent entered into a Concession agreement dated {*Date of the agreement*} whereby the Respondent was awarded a contract for {*Name of the project*}.
3. The disputes arose between the parties in relation to the Project and the same were referred to Arbitration by way of Respondent's notice dated {*Date of notice invoking arbitration*}. The Ld. Arbitral Tribunal pronounced the award on {*Date of the Award*} in favour of the Decree Holder ("Award").





4. That the award of the AT has been assailed by the Petitioner vide this OMP (Comm) Petition and is fixed for arguments on {*NDOH*}.
5. That the Government of India notified Vivad se Vishwas Scheme II (Contractual Disputes) (hereinafter the Scheme) vide DOE, Ministry of Finance OM No. F.1/7/2022-PPD dated 29.05.2023 with subsequent amendments, setting out procedures for settlement of contractual disputes between various Government Organisations/Public Sector entities including the disputes raised by parties challenging the awards passed by Arbitral Tribunals. A copy of scheme is filed herewith for ready reference as {*Number of document*}.
6. As per procedure, an online request on GeM Portal of {*Name of Contractor/Concessionaire*} for one time settlement through the said scheme for the AT Award {*Details of AT Award with date*} was received on the {*Date of receipt on GeM Portal*} vide settlement request number {*SR#.....*}. The proposed settlement amount has been checked and after evaluation as per the SOP of the Scheme, offer was made on the GeM Portal. The Offer made by NHAI was accepted by the {*Name of Contractor/Concessionaire*} on the {*Date*}.
7. Thereafter, in line with Step-4, Para-14, Page 6/12 of OM dated 29.05.2023 of DOE, MOF, NHAI vide letter dated {*Date*} requested the Contractor {*Name of Contractor/Concessionaire*} to provide the documents indicating permission of the Court to withdraw such cases which are in progress against NHAI in the present settlement matter, if any.
8. In line with step-3, Para-14, Page 6/12 of OM dated 29.05.2023 an acknowledgement of the fact that the terms of the settlement agreement have been willingly and finally accepted by both the parties on {*DATE*}. The dispute has ceased and the formal settlement agreement u/s.73 (2) of Arbitration & Conciliation Act 1996 shall be executed and implemented in due course as per scheme guidelines.
9. Vide para 14 of OM dated 29.05.2023, once the parties settle their disputes, the petitioner need to file appropriate application before the Hon'ble Court for withdrawal of the petition. The relevant part of para 14 of the scheme is reproduced herein below for ready reference;

*"In case the procuring entity has to withdraw the case from Court, the procuring entity shall also file an application for such withdrawal within 45 days."*



10. Since, the parties have settled all their disputes arising out of abovementioned award pursuant to said Scheme, nothing survives between parties to be adjudicated by this Hon'ble Court. Hence, present application is being filed on behalf of Petitioner seeking withdrawal of present Petition subject to the condition that both the parties sign the Settlement Agreement.

11. That the present application is being made bonafide and in the interest of justice and no prejudice is going to be caused to Respondent.

**PRAYER**

In the facts and circumstances as enumerated herein above it is most respectfully prayed that this Hon'ble Court may be please to: -

a. Allow the Petitioner to withdraw the present Petition unconditionally in view of settlement between parties.

b. And pass such other and /or further orders as this Hon'ble Court may deem fit and proper to meet the ends of justice.

PETITIONER

THROUGH

{Name of the Advocate, Address & Seal}

Place: New Delhi

Date:

**IN IN THE HIGH COURT OF DELHI AT NEW DELHI  
(CIVIL ORIGINAL JURISDICTION)**

**I. A. NO    OF 2023**

**IN**

**OMP (COMM.) No. \_\_\_\_ OF 2023**



**IN THE MATTER OF:**

**National Highways Authority of India**

**... Petitioner**

**Versus**

**{Name of the Respondent/Contractor}**

**...Respondent**

**AFFIDAVIT**

I, *{Name of the deponent}*, S/O *{Name of the Father}*, aged \_\_\_\_\_ working as *{Designation of the Deponent}* and having its office at *{Address of the Deponent}*, do hereby solemnly affirm and declare as under:

1. That I am authorised representative of Petitioner in the aforesaid Petition and as such I am well conversant with the facts of the present case and thus competent to swear this present affidavit.

2. That the contents of the accompanying application under Order 23, Rule 3 Read with section 151 of Code of Civil Procedure, 1908 have been drafted by my Counsel in view of settlement between parties under my instructions which is also based on the records. I have read and understood the contents of the application and the same may kindly be read as part and parcel of the instant affidavit contents whereof are not repeated herein for the sake of brevity and to avoid repetition.

3. That the above are my true and correct statements.

**DEPONENT**

**VERIFICATION: -**

I, *{Name of the Deponent}*, the above-named deponent do hereby verify that the contents of my above mentioned affidavit are true to my knowledge which is also based on records and nothing material has been concealed therefrom and no part thereof is false.

Verified at *{Place of affidavit}* on this day \_\_\_\_\_ of December 2023.





DEPONENT





**IN THE HIGH COURT OF DELHI AT NEW DELHI  
(CIVIL ORIGINAL JURISDICTION)**

**L.A. NO      OF 2023**

**IN**

**OMP (COMM.) No. \_\_\_\_ OF 2023**

**IN THE MATTER OF:**

**National Highways Authority of India**

**... Petitioner**

**Versus**

**{Name of the Contractor/Respondent}**

**...Respondent**

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**{Name of the Advocate, Address & Seal}**

**Place: New Delhi**

**Date:**



**IN THE HIGH COURT OF DELHI AT NEW DELHI**  
**(CIVIL ORIGINAL JURISDICTION)**

**I.A. NO      OF 2023**

**IN**

**OMP (COMM.) No. \_\_\_\_ OF 2023**

**IN THE MATTER OF:**

**National Highways Authority of India**

**... Petitioner**

**Versus**

**{Name of the Contractor/Respondent}**

**...Respondent**

**URGENT APPLICATION**

To,  
The Registrar  
High Court of Delhi  
New Delhi

Sir,

Request you to kindly treat the accompanying Application as urgent in accordance with the Delhi High Court Rules and Orders. The grounds of urgency are as under:

*That urgent directions have been prayed for in the present Application.*

***{Name of the Advocate, Address & Seal}***

Place: New Delhi

Date:



**IN THE HIGH COURT OF DELHI AT NEW DELHI  
(CIVIL ORIGINAL JURISDICTION)**

**L.A. NO      OF 2023**

**IN**

**OMP (COMM.) No. \_\_\_\_ OF 2023**

**IN THE MATTER OF:**

**National Highways Authority of India**

**... Petitioner**

**Versus**

**{Name of the Contractor/Respondent}**

**...Respondent**

**NOTICE OF MOTION**

To,

The Registrar

High Court of Delhi

New Delhi

Sir,

This is to inform you that the Petitioner has filed the enclosed Application and the same is likely to be listed on \_\_\_\_\_ or any day, thereafter. Please take notice accordingly.

***{Name of the Advocate, Address & Seal}***

Place: New Delhi

Date:



**IN THE HIGH COURT OF DELHI AT NEW DELHI  
(CIVIL ORIGINAL JURISDICTION)**

**L.A. NO      OF 2023  
IN  
OMP (COMM.) No. \_\_\_\_ OF 2023**

**IN THE MATTER OF:**

**National Highways Authority of India      ... Petitioner**

**Versus**

**{Name of the Contractor/Respondent}      ...Respondent**

**COURT FEES**

***{Name of the Advocate, Address & Seal}***

**Place: New Delhi**

**Date:**





IN THE HIGH COURT OF DELHI AT NEW DELHI  
(CIVIL ORIGINAL JURISDICTION)

L.A. NO OF 2023

IN

OMP (COMM.) No. \_\_\_\_ OF 2023

IN THE MATTER OF:

National Highways Authority of India

... Petitioner

Versus

{Name of the Contractor/Respondent}

...Respondent

APPLICATION UNDER ORDER 23, RULE 3 READ WITH SECTION 151 OF CODE OF CIVIL PROCEDURE, 1908 ON BEHALF OF THE PETITIONER SEEKING WITHDRAWAL OF PETITION IN VIEW OF SETTLEMENT UNDER VIVAD SE VISHWAS II SCHEME BETWEEN PARTIES.

**MOST RESPECTFULLY SHOWETH:**

1. That the Present petition was filed u/s 34 of the Arbitration & Conciliation Act 1996 by Petitioner challenging the Award dated {*Date of the award*} passed by the Arbitral Tribunal comprising of {*Name of the AT Members*} in which the LD AT unanimously allowed claims of damages being Claim no. 1 (details of the claims), Claim no. 2 (details of the claims), Claim no. 3 (details of the claims), Claim no. 8 (details of the claims), Claim no. 9 (details of the claims) of {Name of the Contractor}.
2. That the **Petitioner** and the Respondent entered into a Concession agreement dated {*Date of the agreement*} whereby the Respondent was awarded a contract for {*Name of the project*}.
3. The disputes arose between the parties in relation to the Project and the same were referred to Arbitration by way of Respondent's notice dated {*Date of notice invoking arbitration*}. The Ld. Arbitral Tribunal pronounced the award on {*Date of the Award*} in favour of the Decree Holder ("Award").



4. That the award of the AT has been assailed by the Petitioner vide this OMP (Comm) Petition and is fixed for arguments on **{NDOH}**.
5. That the Government of India notified Vivad se Vishwas Scheme II (Contractual Disputes) (hereinafter the Scheme) vide DOE, Ministry of Finance OM No. F.1/7/2022-PPD dated 29.05.2023 with subsequent amendments, setting out procedures for settlement of contractual disputes between various Government Organisations/Public Sector entities including the disputes raised by parties challenging the awards passed by Arbitral Tribunals. A copy of scheme is filed herewith for ready reference as **{Number of document}**.
6. As per procedure, an online request on GeM Portal of **{Name of Contractor/Concessionaire}** for one time settlement through the said scheme for the AT Award **{Details of AT Award with date}** was received on the **{Date of receipt on GeM Portal}** vide settlement request number **{SR#.....}**. The proposed settlement amount has been checked and after evaluation as per the SOP of the Scheme, offer was made on the GeM Portal. The Offer made by NHAI was accepted by the **{Name of Contractor/Concessionaire}** on the **{Date}**.
7. Thereafter, in line with Step-4, Para-14, Page 6/12 of OM dated 29.05.2023 of DOE, MOF, NHAI vide letter dated **{Date}** requested the Contractor **{Name of Contractor/Concessionaire}** to provide the documents indicating permission of the Court to withdraw such cases which are in progress against NHAI in the present settlement matter, if any.
8. In line with step-3, Para-14, Page 6/12 of OM dated 29.05.2023 an acknowledgement of the fact that the terms of the settlement agreement have been willingly and finally accepted by both the parties on **{DATE}**. The dispute has ceased and the formal settlement agreement u/s.73 (2) of Arbitration & Conciliation Act 1996 shall be executed and implemented in due course as per scheme guidelines.
9. Vide para 14 of OM dated 29.05.2023, once the parties settle their disputes, the petitioner need to file appropriate application before the Hon'ble Court for withdrawal of the petition. The relevant part of para 14 of the scheme is reproduced herein below for ready reference;

*"In case the procuring entity has to withdraw the case from Court, the procuring entity shall also file an application for such withdrawal within 45 days."*





10. Since, the parties have settled all their disputes arising out of abovementioned award pursuant to said Scheme, nothing survives between parties to be adjudicated by this Hon'ble Court. Hence, present application is being filed on behalf of Petitioner seeking withdrawal of present Petition subject to the condition that both the parties sign the Settlement Agreement.

11. That the present application is being made bonafide and in the interest of justice and no prejudice is going to be caused to Respondent.

**PRAYER**

In the facts and circumstances as enumerated herein above it is most respectfully prayed that this Hon'ble Court may be please to: -

- a. Allow the Petitioner to withdraw the present Petition unconditionally in view of settlement between parties.
- b. And pass such other and /or further orders as this Hon'ble Court may deem fit and proper to meet the ends of justice.

PETITIONER

THROUGH

*{Name of the Advocate, Address & Seal}*

Place: New Delhi

Date:

**IN IN THE HIGH COURT OF DELHI AT NEW DELHI  
(CIVIL ORIGINAL JURISDICTION)**

**I. A. NO    OF 2023**

**IN**

**OMP (COMM.) No. \_\_\_\_ OF 2023**



**IN THE MATTER OF:**

**National Highways Authority of India**

**... Petitioner**

**Versus**

**{Name of the Respondent/Contractor}**

**...Respondent**

**AFFIDAVIT**

I, *{Name of the deponent}*, S/O *{Name of the Father}*, aged \_\_\_\_\_ working as *{Designation of the Deponent}* and having its office at *{Address of the Deponent}*, do hereby solemnly affirm and declare as under:

1. That I am authorised representative of Petitioner in the aforesaid Petition and as such I am well conversant with the facts of the present case and thus competent to swear this present affidavit.

2. That the contents of the accompanying application under Order 23, Rule 3 Read with section 151 of Code of Civil Procedure, 1908 have been drafted by my Counsel in view of settlement between parties under my instructions which is also based on the records. I have read and understood the contents of the application and the same may kindly be read as part and parcel of the instant affidavit contents whereof are not repeated herein for the sake of brevity and to avoid repetition.

3. That the above are my true and correct statements.

**DEPONENT**

**VERIFICATION: -**

I, *{Name of the Deponent}*, the above-named deponent do hereby verify that the contents of my above mentioned affidavit are true to my knowledge which is also based on records and nothing material has been concealed therefrom and no part thereof is false.

Verified at *{Place of affidavit}* on this day \_\_\_\_\_ of December 2023.





DEPONENT

