

GAHC010189102024



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : I.A.(Civil)/2830/2024

M/S. BHARTIA INFRA PROJECTS LTD.
A COMPANY INCORPORATED UNDER THE COMPANIES ACT, 1956, HAVING
ITS REGD. OFFICE 201, ROYAL ARCADE, DR. B BARUAH ROAD, ULUBARI,
GUWAHATI-781007, ASSAM.

VERSUS

THE UNION OF INDIA AND ANR
REPRESENTED BY THE GENERAL MANAGER, N.F RAILWAY, MALIGAON,
GUWAHATI-781011

2:THE CHIEF ENGINEER
N.F. RAILWAY
MALIGAON
GUWAHATI-78101

Advocate for the Petitioner : MR. R HUSSAIN, MS P SEN,MR A A AHMED

Advocate for the Respondent : SC, RAILWAY,

Linked Case : I.A.(Civil)/2831/2024

M/S BHARTIA INFRA PROJECTS LTD.
A COMPANY INCORPORATED UNDER THE COMPANIES ACT
1956 HAVING ITS REGD. OFFICE AT 201
ROYAL ARCADE
DR. B. BARUAH ROAD
ULUBARI
GUWAHATI- 781007
ASSAM.

VERSUS

THE UNION OF INDIA AND 6 ORS
REP. BY THE GENERAL MANAGER (CON)
N.F. RAILWAY
N.F. RAILWAY
MALIGAON
GUWAHATI- 781011.

2:THE CHIEF ENGINEER/CONSTRUCTION- I
N.F. RAILWAY
MALIGAON
GUWAHATI- 781011.

3:THE DY. CHIEF ENGINEER/CON-II
N.F. RAILWAY
MALIGAON
GUWAHATI- 781011.

4:THE FA AND CAO/CON
N.F. RAILWAY
MALIGAON
GUWAHATI- 781011.

5:SRI S.P. SINGH
CHIEF ENGINEER/CON-VIII
OFFICE OF GENERAL MANAGER (CONSTRUCTION)
N.F. RAILWAY
MALIGAON
GUWAHATI- 781011.

6:SHRI S. HAJONG
THE THEN CPRO/MLG AND NOW
GGM/RVNL/MLG AND CO-ARBITRATOR
OFFICE OF GENERAL MANAGER (CONSTRUCTION)
N.F. RAILWAY
MALIGAON
GUWAHATI- 781011.

7:SHRI P. MAHANTI
RETD. FA AND CAO/EAST COAST RAILWAY
OFFICE OF GENERAL MANAGER (CONSTRUCTION)
N.F. RAILWAY
MALIGAON
GUWAHATI- 781011.

Advocate for : MR. R HUSSAIN
Advocate for : SC
RAILWAY appearing for THE UNION OF INDIA AND 6 ORS

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

26.11.2024

Heard Mr. R. Hussain, learned counsel for the applicant. Also heard Ms. B. Devi, learned counsel appearing for the respondent No.1 and 2.

These applications have been filed for early hearing of the petition filed under Section 11 for appointment of an arbitrator.

During the pendency of the Arbitration Petition No. 18/2019 and Arbitration Pet No. 41/2020, submissions were made from the bar that the question of right of waiver of an affected party under Section 12(5) of the Arbitration and Conciliation Act was considered by the Constitution Bench of the Apex Court, therefore the matter was deferred. Subsequently, the Constitution Bench having rendered by the judgment dated 08.11.2024 in Civil Appeal No. 9486-9487/2019, the arbitration petition pending can now be heard.

Since the matters were not heard, these interlocutory applications have been filed praying for early hearing. Accordingly the arbitration petitions be listed on 09.12.2024

Accordingly, the Interlocutory Applications are accordingly stand allowed and disposed of.

JUDGE

Comparing Assistant