

GAHC030006372025



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

Case No. : I.A.(Civil)/168/2025

State of Mizoram and 2 Ors.
R/b the Secretary,
Public Works Department,
Mizoram, Aizawl 2: Chief Engineer
Public Works Department

Mizoram
Aizawl

3: Project Director
Project Implementation Unit
Office of the Chief Engineer (Roads)
Public Works Department

Tuikhuahtlang
Aizawl-79600

VERSUS

JKM Infra Project and Anr.
A-28, Sector-9, Noida,
Uttar Pradesh - 201301
R/b Sh. Abhisek Kumar Jha,
Chief Financial Officer 2:APS Hydro Pvt. Ltd.through its Director Registered
Office

F-108
Tagore Garden

New Delhi - 11002

Advocate for the Petitioner : Mr. Ajoy Roy

Advocate for the Respondent :

Linked Case : WP(C)/80/2022

JKM Infra Project Ltd.
A-28
Sector-9
Noida

Uttar Pradesh - 201301
r/b Sh. Abhisek Kumar Jha

Chief Financial Officer.

VERSUS

State of Mizoram and 3 Ors.
r/b The Secretary

Public Works Department

Mizoram
Aizawl.

2:Chief Engineer
Roads
Public Works Department
Mizoram
Aizawl.

3:Project Director
Project Implementation Unit Office of the Chief Engineer (Roads)
Public Works Department

Tuikhuahtlang
Aizawl - 796001

4:APS Hydro Pvt. Ltd.
through its Director
Registered Office F-108
Tagore Garden
New Delhi - 110027

Advocate for the Petitioner : Mr Lalremtlunga
Advocate for the Respondent : Mrs. Linda L Fambawl
Addl. AG/GA
Mizoram for R1-R3

ORDER
BEFORE
HONOURABLE MR. JUSTICE NELSON SAIO

25-09-2025

Heard Mr. A Roy, learned counsel for the applicants through video-conferencing, who submits that by filing this interlocutory application, the applicants seek modification of the judgment and order dated 08.03.2024 passed by this Court in WP(C) 80/2022, in so far as the balance retention money is concerned. The learned counsel submits that the arbitration between the parties concerned ended with a settlement between the parties and as for the retention money, it has been agreed that the same be divided in the ratio of 25:75 between the opposite party No. 1 and opposite party No. 2 respectively in the instant application. While 75% of the retention money has already been released to the opposite party No. 2, the balance of 25% of the retention money remains. The opposite party No. 1, in the meantime has instituted another arbitration against the applicants claiming a sum of Rs.3,77,74,97,876/-. The learned counsel submits that pending finalization of the award in the arbitration case, the 25% of the retention money may be directed to be kept in a fixed deposit by suitably modifying the judgment and order dated 08.03.2024.

Issue notice of motion, returnable by 3 (three) weeks.

The applicants to take steps for service of notice upon opposite party Nos. 1 & 2 by registered post with A/D within 3 (three) working days.

List the matter again after 3 (three) weeks.

JUDGE

Comparing Assistant