



Serial No. 04
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

MC(Arb. P.) No. 2 of 2025

Date of Decision: 25.03.2025

1.Union of India, through the HQ
 Chief Engineer (AF), Shillong Zone,
 Elephant Falls Camp, P.O.
 Nonglyer, Shillong 793009

2.The Engineer-in-Chief, Military
 Engineer Services, HQ Ministry of
 Defence, Kashmir House, Rajaji Marg,
 New Delhi 110011

:::Applicants

-Vs-

Dineshchandra R. Agarwal Infracon Pvt. Ltd.,
 401, The Grand Mall, SM Road,
 Ambawadi, Ahmedabad, Gujarat 380015

:::Opposite Party

Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

For the Petitioner/Applicant(s) : Dr. N. Mozika, DSGI with
 Ms. M. Myrchiang, Adv.

For the Respondent/Opp. Party(s): Ms. R. Mittal, Adv. with
 Mr. Philemon Nongbri, Adv.
 Mr. R. Pahsyntiew, Adv.



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| i) | Whether approved for reporting in
Law journals etc.: | Yes/No |
| ii) | Whether approved for publication
in press: | Yes/No |
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Oral:

1. This is an application for clarification/modification of the order dated 12.07.2024 passed by this Hon'ble Court in Arbitration Petition No. 3 of 2024 (*Dineshchandra R. Agarwal Infracon Pvt. Ltd. vs. Union of India*).

2. It is submitted by Dr. N. Mozika, learned DSGI for the applicants that the Opposite Party had filed an Arbitration Petition being No. 3 of 2024, for the appointment of an Arbitrator, for adjudication of their contractual disputes. In the course of hearing, he submits that the applicants had placed a list of a panel of arbitrators of the Ministry of Defence before this Court, and had agreed to the appointment of one Shri. Sorabh Mathur, a retired Joint Director General, MES, who was on the panel of arbitrators. However, he submits the sole arbitrator after entering into reference on 11.01.2025, has raised an arbitration fee bill of Rs.30,88,735/- claiming fees in terms of Schedule – 4 of the Arbitration and Conciliation Act, 1996, and not in terms of the approved fee structure as per Ministry of Defence letter No. 13600/Arb/Gen/E8/340/2020/DMA (W-II) dated 25.11.2020.



3. It is further submitted that when an Arbitrator is appointed from the panel of the Ministry of Defence, the arbitration fee payable would be as per the fee structure prescribed by the Ministry vide letter dated 25.11.2020. In the order of this Court dated 12.07.2024, he submits, the aspect with regard to payment of arbitral fee as per the approved fee structure has not been mentioned, which has therefore necessitated the filing of the instant application for clarification. He therefore prays that appropriate orders be passed, modifying or clarifying the order dated 12.07.2024, by mentioning that since the sole Arbitrator had been appointed from the Ministry of Defence panel of Arbitrators dated 07.02.2022, the arbitration fee payable would be as per fee structure prescribed by the Ministry of Defence.

4. Ms. R. Mittal, appearing for the respondent/Opposite Party (Petitioner in the main case) has concurred to the submissions made by the applicant and submits that a consent order may be passed clarifying that the sole Arbitrator that is Shri. Sorabh Mathur, be paid fees as per the approved fee structure of the Ministry of Defence letter dated 25.11.2020.

5. On hearing the learned counsel for the parties, in view of the fact that there is no dispute as to the clarification sought, this application is disposed of by modifying and clarifying the order dated 12.07.2024, to the extent that



the sole Arbitrator shall be entitled to fees as per the approved fee structure contained in the Ministry of Defence letter No. 13600/Arb/Gen/E8/340/2020/DMA (W-II) dated 25.11.2020.

6. The application is accordingly allowed and disposed of.

Judge

Meghalaya
25.03.2025
"D.Thabab-PS"