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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **O.M.P.(I) (COMM.) 281/2018**

GREEN INFRA WIND SOLUTIONS LIMITED Petitioner
Through **Mr. Ashwini Kumar Mata, Sr. Adv.**
with Mr. Kapil Arora and Mr. Viplav
Dhillon, Advs.

versus

REGEN INFRASTRUCTURE AND SERVICES PRIVATE LTD.
..... Respondent
Through **Mr. Gopal Jain, Sr. Adv. with Mr.**
Jayant K. Mehta Mr. Rahul Kikreja
and Ms. Prashanti Pasupuleti, Advs.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER
% 19.07.2018

1. I have heard both Mr. Mata, learned senior counsel for the petitioner, as well as Mr. Jain, learned senior counsel for the respondent in the matter.
2. Mr. Jain, learned senior counsel, on instructions, says that since this Court had passed an order on 18.12.2017, the respondent in deference to the said order shall comply with the directions contained therein, subject to its concerns being addressed by the Arbitral Tribunal at the earliest.
3. I am informed by Mr. Jain that the Arbitral Tribunal has been constituted and that a procedural meeting has been fixed on 18.8.2018.
4. It is Mr. Jain's contention that the petitioner owes the respondent, approximately, a sum of Rs.23 crores.

5. Mr. Mata, learned senior counsel, on the other hand, submits that the dues purportedly claimed by the respondent, firstly, do not arise from the Operation and Maintenance Agreement and, secondly, that there are breaches which have been committed by the respondent and, therefore, the dues claimed are disputed.

5.1. Furthermore, learned senior counsel says that the aforementioned dues, if any, which the respondent claims, arise from the EPC Agreement and not from the Operation and Maintenance Agreement.

6. Be that as it may, counsel for the parties are agreed that this petition can be disposed of on the following terms:

(i) The petitioner and the respondent would comply with the directions contained in the order dated 18.12.2017.

(ii) The petitioner will depute personnel to the subject site to iron out difficulties which may arise while the respondent proceeds to operationalise the concerned 33 WTGs.

(ii)(a) It is, however, made clear that this will not come in way of the respondent fulfilling its obligations as contemplated in the order dated 18.12.2017.

(iii) In the meanwhile, the petitioner will not press its contempt petition bearing no.500/2008.

(iv) The respondent will have the liberty to move the Arbitral Tribunal.

(v) The Arbitral Tribunal, if moved by the respondent, will take up, the application of the respondent at its earliest convenience.

(v) (a) Needless to say, this will be without prejudice to the rights and contentions of the petitioner.

7. Mr. Jain, learned senior counsel, assures me that the 33 WTGs will be made operational within three days from today.

8. It is also made clear that I have not expressed any view on the merits of the contentions advanced by either side in the instant matter.

9. The Tribunal will be at liberty to vacate, vary or confirm the order dated 18.12.2017.

10. No Costs.

RAJIV SHAKDHER, J

JULY 19, 2018

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