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

+ O.M.P.(I) (COMM.) 437/2017 & IA 12454/2017

JKM INFRA PROJECTS LTD

..... Petitioner

Through: Mr P. V. Kapur, Sr. Advocate
alongwith Mr Nitesh Jain, Mr V. K.
Nagrath, Ms Kaveri Gupta and Mr
Abhinav Mukhi, Advocates.

versus

**MINISTRY OF ROAD TRANSPORT AND
HIGHWAYS**

..... Respondent

Through: Mr Dev P. Bhardwaj, CGSC for UOI
with Mr Kanish Arora, Advocate with
Mr Anoop Yadav, AE, Morth.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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01.05.2018

1. The petitioner has filed the present petition under Section 9 of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act'), *inter alia*, praying as under:-

- "a. Pass an order there staying the operation of the termination notice 11.10.2017 bearing no. MoRTH/PIU-RBL/Ring Road/EPC/112 issued by the Respondent thereby terminating the contract dated 19.02.2014; and thereby restraining the Respondent from terminating the contract dated 19.02.2014.
- b. Directing the Respondent not to take any coercive steps against the petitioner.

- c. Allow the petitioner to complete the project as requested in para 8(L) & (M) of the petition.”

2. By a letter dated 11.10.2017, the respondent had indicated its intention to finally terminate the Contract Agreement dated 19.02.2014 (hereafter ‘the Contract’) entered into between the parties and had further called upon the petitioner to make a representation. The petitioner did make a representation pursuant to the aforesaid notice. However, the same was rejected by a letter dated 09.11.2017.

3. Mr Kapur, learned Senior Counsel appearing for the petitioner has handed over a letter dated 16.03.2018 issued by the respondent requesting the petitioner to go ahead with execution of the work at a particular location. Mr Kapur states, on instructions, that the petitioner would complete the works by 31.12.2018.

4. The copy of the letter dated 16.03.2018 is taken on record. In view of the above, it does appear that there is a possibility for the parties to amicably resolve their issues. By an order passed today in ARB.P. 298/2018 (JKM Infra Projects Ltd. v. Ministry of Road Transport And Highways) this Court has directed Director General of the respondent authority and the Chairman of the petitioner to have a meeting on 15.05.2018 to amicably resolve the disputes.

5. In view of the above – particularly, the letter dated 16.03.2018 calling upon the petitioner to proceed ahead with the works – this Court considers it apposite to dispose of the present petition by directing that the respondent take an informed decision in the matter of terminating the Contract Agreement after exploring the possibility of an amicable resolution as

directed. It is clarified that if the disputes are not resolved, the respondent would be at liberty to issue a notice of termination in terms of the Contract. However, that notice would not be given effect to for a period of ten days from the issue of the said notice.

6. It is further clarified that all contentions of the parties are reserved.
7. The pending application is also disposed of.
8. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

MAY 01, 2018
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