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

+ O.M.P. (T) (COMM.) 74/2019 & I.A. No. 12068/2019

NATIONAL HIGHWAYS AUTHORITY OF INDIA
(NHAI)

..... Petitioner

Through: Mr. Subhash Mishra and Ms. Surbhi
Saxena, Advs.

versus

M/S SOMA ISOLUX KISHANGARH-BEAWAR TOLLWAY
PRIVATE LIMITED

..... Respondent

Through: Mr. Dharmendra Rautray and
Ms. Tara Shahani, Advs.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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11.09.2019

I.A. No. 12068/2019 (for exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

O.M.P. (T) (COMM.) 74/2019

This petition has been filed by the petitioner with the following prayers:

“In view of the aforesaid facts and circumstances and in the interest of justice, it is most humbly and respectfully prayed that this Hon'ble Court may graciously be pleased to:

a) Pass an order for termination of the mandate of Ld. Arbitral Tribunal comprising of Mr. Justice K.G. Balakrishnan, Former Chief Justice of India as Presiding Arbitrator, Dr. Justice Arijit Pasayat, Former Judge Supreme Court of India as Arbitrator, Mr. Justice G.T. Nanavati, Former Judge Supreme Court of India as Arbitrator, adjudicating the disputes between M/s. Soma Isolux Kishangarh - Beawar Tollway Private Limited and National Highways Authority of India in respect of the existing 2 lane road and widening it to Six-lane highway from, Km 364.125 to

Km 58.245 (approximately 93.56 km) on the Kishangarh-Ajmer- Beawar section of National Highway-8.

b) Pass an order for appointment of a substitute Arbitral Tribunal as per the terms of the Concession Agreement dated 18.05.2009 signed between the parties to adjudicate upon the disputes between M/s. Soma Isolux Kishangarh – Beawar Tollway Private Limited and National Highways Authority of India in respect of the existing 2 lane road and widening it to Six-lane highway from Km 364.125 to Km 58.245 (approximately 93.56 km) on the Kishangarh - Ajmer - Beawar section of National Highway- 8.

Pass any other or further order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case."

On the last date of hearing, at the request of the counsel for the petitioner to take instructions the matter was adjourned for today.

Mr. Subhash Mishra, learned counsel appearing for the petitioner states, he has taken instructions and discussed the matter with Mr. Dharmendra Rautray, counsel appearing for the respondent and both of them agree that the Arbitration proceedings can be completed in 16 hearings, as an outer limit, with each party taking 8 hearings, to be held in both sessions on a given date, to examine the witnesses and submit arguments.

They also state, the 16 hearings shall be completed on or before March 31, 2020. Their statements are taken on record.

Mr. Mishra states, in view of this order nothing further survives to be adjudicated in the petition. The petition be treated as disposed of. Ordered accordingly.

V. KAMESWAR RAO, J

SEPTEMBER 11, 2019/jg