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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 1815/2020 & CM Nos. 6316/2020 & 6317/2020
M/S. RELIANCE NAVAL AND ENGINEERING LIMITED
THROUGH INTERIM RESOLUTION PROFESSIONAL

..... Petitioner

Through: Mr.Amit Sibal, Sr. Adv. with
Mr.Ashish Prasad, Ms.Mukta Dutta,
Mr.Kaustubh Mishra & Mr.Zain
Maqbool, Advs.

versus

UNION OF INDIA

..... Respondent

Through: Ms.Maninder Acharya, ASG &
Mr.Anil Soni, CGSC with Mr.Devesh
Dubey, Mr.Viplav Acharya, Advs.
with LT. CDR (SP) Sandeep Sharma,
Indian Navy & Sh. Jagjeet Kumar,
Ministry of Defence, Deputy
Secretary, Naval ACG N.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
17.02.2020

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This petition has been filed primarily challenging the Termination Notice dated 03.02.2020 whereby the respondent has called upon the petitioner to submit a reply as to why its contract for supply of 5 Naval Offshore Patrol Vessels (NOPVs) to the Indian Navy be not terminated. The petitioner further claims consequential relief in form of restitution of the amount received by respondent on encashment of the Bank Guarantees.

At the outset it has been put to the learned senior counsel for the

petitioner that the remedy of the petitioner, if any, would be in form of arbitration proceedings.

The learned senior counsel for the petitioner, however, responds by stating that out of five NOPVs, two ships that is NS0001 and NS0002 are at stage of 90% and 76% completion. He submits that these ships have been designed specifically keeping in view the interest of the Indian Navy and would be rendered completely useless if the contract is allowed to be terminated without providing for any room for adjustment for the same. He further submits that as for the encashment of the Bank Guarantees, the interest of the banks would also be involved in ensuring that adequate measures are taken for the investment made in the two vessels.

On the other hand, the learned ASG, who appears on advance notice, submits that pursuant to the Impugned Termination Notice, the petitioner has submitted its reply on 13.02.2020, which is under consideration. She submits that apart from the fact that the petition is even otherwise not maintainable, it is certainly premature.

Having considered the submissions made by the learned counsels for the parties, the present petition is disposed of directing the respondent to consider the contents of the present petition also as a representation while considering the Termination Notice. The respondent must also keep in view the submissions made by the learned senior counsel for the petitioner. Any decision taken by the respondent, if adverse to the interest of the petitioner, shall not be given effect to for a period of one week from the date of communication of such decision to the petitioner.

It is made clear that this Court has not expressed any opinion on the merits of the submissions made by the learned senior counsel for the

petitioner as also on the maintainability of this petition.

There shall be no order as to cost.

Dasti.

NAVIN CHAWLA, J

FEBRUARY 17, 2020/rv