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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 456/2016
HINDUSTAN PETROLEUM CORPORATION LTD Appellant
Through: Mr. Dayan Krishnan, Sr. Advocate
with Mr. Sanjay Kapur, Ms. Megha
Karnwal, Mr. Harshad Narayan &
MR. Bharath, Advocates

versus

DELHI DEVELOPMENT AUTHORITY & ANR Respondents
Through: Mr. Ajay Verma, Sr. Standing Counsel
with Mr. Gurmeher Sistani, Advocate
for R-1/DDA

+ LPA 458/2016
INDIAN OIL CORPORATION LTD Appellant
Through: Mr. Dayan Krishnan, Sr. Advocate
with Mr. Sanjay Kapur, Ms. Megha
Karnwal, Mr. Harshad Narayan &
MR. Bharath, Advocates

versus

DELHI DEVELOPMENT AUTHORITY & ANR Respondents
Through: Mr. Ajay Verma, Sr. Standing Counsel
with Mr. Gurmeher Sistani, Advocate
for R-1/DDA

+ LPA 459/2016
BHARAT PETROLEUM CORPORATION LTD Appellant
Through: Mr. Dayan Krishnan, Sr. Advocate
with Mr. Sanjay Kapur, Ms. Megha
Karnwal, Mr. Harshad Narayan &
MR. Bharath, Advocates

versus

DELHI DEVELOPMENT AUTHORITY & ANR Respondents
Through: Mr. Ajay Verma, Sr. Standing Counsel
with Mr. Gurmehar Sistani, Advocate
for R-1/DDA

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% **15.01.2020**

1. On the last date of hearing, i.e., on 25.07.2019, at the request of learned counsel for the appellants, who had stated that talks of settlement with the respondent/DDA were at the advanced stage, the appeals were adjourned for a long date. It was however made clear that if the settlement is not reported on the next date of hearing, the parties should be ready for arguments.
2. Today, Mr. Dayan Krishnan, learned Senior Advocate appearing for the appellants hands over a copy of OM dated 22.05.2018, issued by the Ministry of Heavy Industries & Public Enterprises, Department of Public Enterprises, Government of India, on the subject of "*Settlement of commercial disputes between CPSEs inter se and CPSE(s) and Government Department(s)/Organisation(s) viz. – Administrative Mechanism for Resolution of CPSEs Disputes (AMRCD)*", whereunder, an Administrative mechanism for resolution of CPSEs disputes has been spelt out. It is submitted that vide letter dated 10.01.2020, issued by the Ministry of Petroleum and Natural Gas addressed to the IOCL, BPCL and HPCL, a reference has been made to order dated 25.07.2019 passed in the present appeals and the appellants have been requested to finalise the possibility of settling their disputes amicably under the Administrative Mechanism for Resolution of CPSEs Disputes (AMRCD).

3. Mr. Dayan Krishnan, learned Senior Advocate appearing for the appellants states on instructions that the appellants are in the process of approaching the AMRCD Committee for exploring the possibility of an amicable resolution of the disputes with the respondent/DDA and requests that arguments on the appeal may be deferred in the meantime.
4. We are of the opinion that once the appellants have decided to invoke the ARMCD Mechanism, by approaching the AMRCD Committee for settling their disputes with the respondent/DDA, and further having regard to the fact that the mechanism laid down in OM dated 22.05.2018 has a built-in appeal that lies before the Cabinet Secretary at the second level against any decision of the Committee and whose decision is to be final, it is deemed appropriate to dispose of the present appeals.
5. In the event respondent/DDA resists the reference of the disputes as may be submitted by the appellants to the AMRCD Committee, then the appellants shall be entitled to file applications for seeking revival of the present appeals. The interim orders passed in favour of the appellants shall continue to operate till a final decision is taken by the AMRCD Committee.
6. Files be consigned to the record room.

HIMA KOHLI, J

ASHA MENON, J

JANUARY 15, 2020

Pkb/s