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

Date of Decision: 25th May, 2021

+ **FAO(OS) (COMM) 32/2021 & CM No.7610/2021**

MEP SANJOSE MAHUVA KAGAVADAR ROAD PVT.
LTD. Appellant

Through Mr.Rajiv Shankar Dvivedi,
Ms.Arti Dvivedi, Mr.Sushant
Kumar Sarkar, Mr.Rishabh
Jain, Advs.

versus

NATIONAL HIGHWAYS AUTHORITY OF INDIA & ANR.
..... Respondent

Through Mr. Parag Tripathi, Sr. Adv.
with Ms.Padma Priya,
Ms.Shreya Sethi, Advs. (NHAI)

+ **FAO(OS) (COMM) 33/2021 & CM No.7611/2021**

MEP SANJOSE TALAJA MAHUVA ROAD PVT. LTD
..... Appellant

Through Mr.Rajiv Shankar Dvivedi,
Ms.Arti Dvivedi, Mr.Sushant
Kumar Sarkar, Mr.Rishabh
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..... Respondent

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with Ms.Padma Priya,
Ms.Shreya Sethi, Advs. (NHAI)

CORAM:
HON'BLE MR. JUSTICE MANMOHAN
HON'BLE MR. JUSTICE NAVIN CHAWLA
MANMOHAN, J. (Oral)

1. The appeals have been heard by way of video conferencing.
2. Learned counsel for the appellants states that vide letters dated 09th March, 2021 and 12th May, 2021, the appellants have initiated the conciliation process. He prays that the respondents be directed to deal with the conciliation applications with an open mind.
3. The learned counsel for the respondent-NHAI states that the appellants have deposited a draft of Rs.5 lacs alongwith the conciliation letter dated 12th May, 2021. She assures this Court that the conciliation request of the appellants shall be considered with open and independent mind.
4. At this stage, learned counsel for the appellants seeks a clarification that, in the event, the arbitration process is initiated by the appellants, then the finding of the learned Single Judge shall not be treated as conclusive and/or binding.
5. It is settled law that the findings of the learned Single Judge while deciding an application under Section 9 of the Arbitration and Conciliation Act, 1996 are a *prima facie* opinion arrived at for deciding the said application. The Arbitrators shall decide the matter in accordance with law and the evidence led before them by the parties.
5. With the aforesaid clarifications, the present appeals are

disposed of. However, the respondents are directed to consider the conciliation request made by the appellants in a fair manner in accordance with law, within a reasonable time.

6. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through e-mail.

MANMOHAN, J

NAVIN CHAWLA, J

MAY 25, 2021/Arya



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