



\$~10

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

% *Date of Decision: 18th July, 2023*

+ O.M.P. (T) (COMM.) 41/2023 & I.A. 10133/2023

NECO HEAVY ENGINEERING AND CASTINGS LTD.

..... Petitioner

Through: Mr. Ravi Bharuka and Mr.
Ankit Agarwal, Advocates

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Bhagvan Swarup Shukla,
Central Government Standing Counsel with
Mr. Sarvan Kumar, Government Pleader
along with Mr. B.K. Panda, Joint Director,
Railway Board.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGEMENT

JYOTI SINGH, J. (ORAL)

1. Present petition has been filed by the Petitioner under Section 14(1)(a) and 14(2) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act') seeking *inter alia* termination of the mandate of Sh. H.K. Jaggi, learned Sole Arbitrator appointed to adjudicate the disputes between the parties and in the alternative to direct the said Arbitrator to pass the award within one month, in the interest of justice.

2. The chronology of dates and events shows that disputes arose between the parties pertaining to an agreement dated 18.06.1999, executed between them. Disputes having arisen, Sh. H.K. Jaggi,



Advisor (L&A), Railway Board was appointed as a Sole Arbitrator on 06.08.2001. On 09.10.2002, the learned Sole Arbitrator passed the award in favour of the Petitioner, which was challenged by the Respondents under Section 34 of the Act in O.M.P. No.46/2003. The petition was dismissed by this Court vide judgment dated 14.12.2005. The judgment was challenged by the Respondents in an appeal being FAO(OS) 602-603/2006. Vide judgment dated 06.08.2007, the Division Bench remanded the matter back to the Sole Arbitrator and thereafter parties were heard at length by the Arbitrator who concluded the hearing and reserved the award on 24.01.2012.

3. It is the case of the Petitioner that post the said date, several communications were addressed to the Sole Arbitrator requesting him to render the award but to no avail and this compelled the Petitioner to approach this Court seeking termination of the mandate of the Arbitrator.

4. On the last date of hearing, learned counsel appearing on behalf of the Respondents had sought instructions if Sh. H.K. Jaggi was willing to continue and pass the award. Today, Mr. Shukla has handed over a copy of letter dated 10.07.2023 addressed to the learned Arbitrator and the response thereto. From the letter of the Arbitrator dated 13.07.2023, it is evident that the learned Arbitrator has agreed to proceed in the matter and pass the award. Copies of the letters are taken on record.

5. Learned counsels for the parties submit, on instructions, that they have no objection to Sh. H.K. Jaggi proceeding further to pass the award as fresh appointment and *de novo* proceedings would only delay the matter further.



6. Accordingly, the petition is allowed directing the learned Arbitrator Sh. H.K. Jaggi to pass the award as expeditiously as possible and not later than four months from today, since the award was reserved way back in the year 2012.

7. Petition along with pending application is disposed of in the above terms.

JULY 18, 2023/kks

JYOTI SINGH, J



न्यायमेव जयते