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

+ **O.M.P. (COMM) 432/2022, I.A. 17141/2022, 17142/2022 & 392/2023**

UNION OF INDIA

..... Petitioner

Through: Mr. Arnav Kumar CGSC with Mr. Aranya Sahay and Mr. Gurdas Khurana Advs. (M: 9416841536).

versus

MS BHAGHEERATHA
ENGINEERING LTD

... Respondent

Through: Ms. Iram Peerzada and Dr. Swaroop George, Advocates, (M: 8905382166)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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16.02.2024

1. This hearing has been done through hybrid mode.
2. The present petition under Section 34 of the Arbitration and Conciliation Act, 1996 has been filed by the Petitioner- Union of India, assailing the arbitral award dated 21st January, 2020, arising out of construction of Railway Bridge across River Tawi on Jammu-Udhampur Rail Link Project, in respect of which the Contract Agreement No. 74-W/8/148/WA/Pt.-I was entered into 16th March, 1997. The original date of completion was 18th August, 1998, and the actual date of completion of the said project was 15th November, 2003.
3. Vide order dated 2nd February, 2024, this Court directed the parties to seek instructions on the following aspect:



“Ld. Counsel for the Respondent has placed a letter dated 19th January, 2024 issued by the Northern Railways Jammu Tawi sector, Firozpur Division, which states that the Railway Authorities has accepted the Respondent's Claims under the Scheme 'Vivad se Vishwas', in the Indian Railways E-Procurement System (TREPS) Portal.”

4. Today, the Id. Counsel for the Petitioner submits that the disputes have been resolved in the “*Vivad se Vishwas Scheme*” and the payment to the Respondent is being processed. Accordingly, he seeks permission to withdraw the present petition.

5. Ld. Counsel for the Respondent submits that since the disputes were resolved, she already filed an application in ***OMP (ENF.) (COMM.) 211/2022*** titled ‘***Bhagheeratha Engineering Limited v. Northern Railway Through Dy. Chief Engineer***’, as well for withdrawal of the said petition under Section 36 of the Arbitration and Conciliation Act, 1996. Vide order dated 13th February, 2024 the above stated case has been disposed of.

6. Considering that the disputes have already been resolved between the parties, the present petition is disposed of as settled, with all pending applications, if any.

PRATHIBA M. SINGH, J.

FEBRUARY 16, 2024

mr/dn