



\$~38 to 40

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **O.M.P.(MISC.)(COMM.) 280/2024**
TATA PROJECTS LIMITED & ANR. Petitioners
Through: Ms. Pavitra Singh, Adv.

versus

DEDICATED FREIGHT CORRIDOR CORPORATION OF INDIA
LIMITED Respondent

Through: Appearance not given.
WITH

39

+ **O.M.P.(MISC.)(COMM.) 281/2024**
TATA PROJECTS LIMITED & ANR. Petitioners
Through: Ms. Pavitra Singh, Adv.

versus

DEDICATED FREIGHT CORRIDOR CORPORATION OF INDIA
LIMITED Respondent

Through: Appearance not given.
AND

40

+ **O.M.P.(MISC.)(COMM.) 282/2024**
TATA PROJECTS LIMITED & ANR. Petitioners
Through: Ms. Pavitra Singh, Adv.

versus

DEDICATED FREIGHT CORRIDOR CORPORATION OF INDIA
LIMITED Respondent

Through: Appearance not given.

CORAM:
JUSTICE PRATHIBA M. SINGH

%

ORDER
08.04.2024



1. This hearing has been done through hybrid mode.
2. These are three petitions filed on behalf of the Petitioners- M/s Tata Projects Ltd. and Aldesa Construcciones, S.A. under Section 29A of the Arbitration and Conciliation Act, 1996 (*hereinafter*, '1996 Act') seeking extension of the mandate of the three member Arbitral Tribunal by a period of 6 months from 31st March, 2024.
3. The dispute in the present matters arises from an Agreement dated 8th March, 2013 (*hereinafter* 'Agreement') entered into between the parties for- Design and Construction of Civil, Structures and Track Works for Double Line Railway Involving Formation in Embankments/Cuttings, Ballast on Formation, Track Works, Bridges, Structures, Buildings Including Testing and Commissioning on Design-Build Lump Sum Basis for Bhaupur - Khurja Section of Eastern Dedicated Freight Corridor-Contract Packages (LOT #101, LOT #102 and LOT # 103).
4. It is stated in the petition that as the disputes between the parties could not be resolved amicably, the Petitioners/Applicants invoked arbitration under Section 21 of the 1996 Act on 5th October, 2020 in terms of Clause 20.6 of the conditions of contract stipulated in the Agreement. Accordingly, on 27th November, 2020 the Id. Arbitral Tribunal entered reference.
5. It is further averred in the petition that the pleadings before the Id. Arbitral Tribunal are complete. However, vide email dated 3rd December, 2023 the Respondent on behalf of both the parties informed the Id. Arbitral Tribunal that both the parties have consented to engage 'Deloitte' as the Cost Accountant. Accordingly, in terms of the interim award dated 1st November, 2023 passed by the Id. Arbitral Tribunal, 'Deloitte' was appointed as the Cost Accountant.



6. Today, it is submitted that pleadings before the Id. Arbitral Tribunal are completed and an expert report which was sought from 'Deloitte' is also now submitted. Accordingly, the parties are to submit their objections in respect of the said report and thereafter the matter is to be reserved for passing of the arbitral award. Thus, in these circumstances, the mandate of the tribunal is extended by another six months from 31st March, 2024.

7. The petitions are disposed of. All pending applications are disposed of.

PRATHIBA M. SINGH, J

APRIL 8, 2024

dj/rks