



\$~38

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

+ **W.P.(C) 8926/2024**

M/S VEEKAY PRESTRESSED PVT LTDPetitioner

Through: Mr. Sahil Garg and Ms. Samiksha
Jain, Advs.

versus

UNION OF INDIARespondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **03.07.2024**

CM APPL. 36411/2024 (Ex.)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(C) 8926/2024

3. Learned counsel appearing for the petitioner impugns the order dated 09.10.2023 on the ground that the altered name of the petitioner i.e. *M/s. Veekay Prestressed Pvt. Ltd., Kolkata* has already been informed to the Railway. He, therefore, submits that not only due information was furnished to the Railway, but it had also acknowledged the altered name of the petitioner. He, therefore, submits that once the petitioner has already fulfilled its obligation of intimation to the Railway, the latter is under an obligation to accept the same and to act accordingly.
4. He further submits that the impugned decision which has been taken



by the respondent, is solely rested upon the reason that the pending applications under Section 34 of the Arbitration and Conciliation Act, 1996 were filed by the Railway itself recording the old name of the petitioner, and therefore, on that ground alone, the petitioner's application under the Vivad Se Vishwas-II scheme ought not to have been rejected. He emphasised that the object of Vivad Se Vishwas-II scheme is to facilitate the litigants to put quietus to their ongoing litigations. He, therefore, submits that while rejecting the petitioner's application, the mandate under the Vivad Se Vishwas-II scheme has been violated.

5. I have considered the submissions made by learned counsel appearing for the petitioner and a query has been specifically put forth to him as to whether in pending applications, the petitioner has taken any steps to substitute the altered name of the company i.e., *M/s. Veekay Prestressed Pvt. Ltd., Kolkata*. He unequivocally submits that the petitioner has not taken any steps to substitute or to seek permission for substitution of altered name of the petitioner solely for the reason that those applications have been filed by the Railway and it is the Railway's responsibility to correct the cause title of the petitioner.

6. Since admittedly in the pending applications, the old name of the company of the petitioner i.e., *M/s Veekay Industries* is recorded and the impugned order dated 09.10.2023 specifically records the reasons for the rejection of the application, therefore, the court finds that unless the altered name of the petitioner is substituted in pending litigation, which is sought to be resolved under the scheme in question, the court under Article 226/227 of the Constitution of India cannot direct the respondent to consider the application submitted in the name of *M/s. Veekay Prestressed Pvt. Ltd.* in its present



form. The reasoning assigned in the impugned order can not be said to be perverse, wholly illegal or arbitrary. Before approaching the writ court seeking invocation of extraordinary jurisdiction, the party must ensure that there is no other way to remedy the grievance. The court, therefore, was initially inclined to grant time to the petitioner to take up appropriate steps to get the record corrected and accordingly, the matter was kept in passover, however, in passover round, the petitioner counsel emphasised that the petitioner does not require to take any further steps in that regard.

7. However, liberty is granted to the petitioner to take appropriate steps, if it so desires, to get the altered name substituted in pending applications before this court and, thereafter, to file fresh application, if scheme in question still subsists.

8. Accordingly, the petition stands disposed of.

PURUSHAINDR KUMAR KAURAV, J.

JULY 03, 2024/P