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

+ **O.M.P.(I) (COMM.) 415/2023, I.As. 25578/2023, 25579/2023**

PATIL CONSTRUCTION
INFRASTRUCTURE LTD

..... Petitioner

versus

UNION OF INDIA THROUGH MINISTRY OF ROAD
TRANSPORT HIGHWAYS & ORS. Respondents

+ **O.M.P.(I) (COMM.) 416/2023, I.As. 25581/2023, 25582/2023**

PATIL CONSTRUCTION
INFRASTRUCTURE LTD

..... Petitioner

versus

UNION OF INDIA THROUGH MINISTRY OF ROAD
TRANSPORT HIGHWAYS & ORS. Respondents

+ **O.M.P.(I) (COMM.) 417/2023, I.As. 25586/2023, 25587/2023**

PATIL CONSTRUCTION
INFRASTRUCTURE LTD

..... Petitioner

versus

UNION OF INDIA THROUGH MINISTRY OF ROAD
TRANSPORT HIGHWAYS & ORS. Respondents

+ **O.M.P.(I) (COMM.) 418/2023, I.As. 25588/2023, 25589/2023**

PATIL CONSTRUCTION
INFRASTRUCTURE LTD

..... Petitioner

versus

UNION OF INDIA THROUGH MINISTRY OF ROAD
TRANSPORT HIGHWAYS & ORS. Respondents



Appearance:- Mr. Suhail Dutt, Senior Advocate with Mr. S. Ram Babu, Mr. Angad Mehta, Mr. Azhar Alam, Mr. Kartikeya Anand & Mr. Arsh, Advocates for Patil Construction Infrastructure Ltd in Item Nos. 17 to 20.
Mr. Shashank Garg, CGSC with Ms. Nishtha Jain & Ms. Aradhya Chaturvedi, Advocates for Respondent in Item Nos. 17, 18 & 20.
Mr. Vikram Jetly, CGSC with Ms. Shreya Jetly, Advocate for UOI in Item No. 19. [M:-9811157321]

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **14.03.2024**

1. Learned counsel for the parties state that the arbitral tribunal is on the verge of constitution in all these four cases. The petitioner had nominated its arbitrators while invoking the arbitration clause. The Union of India, by an order dated 13.03.2024, has also appointed its nominee arbitrators in all four cases. The constitution of the arbitral tribunals will be complete upon nomination of the presiding arbitrators, as per the applicable rules.
2. In these circumstances, learned counsel for the parties submit that the question of interim measures may be left to the respective Arbitral Tribunals.
3. With the consent of learned counsel for the parties, the petitions are disposed of with the following directions:
 - a. The petitioner may file applications under Section 17 of the Arbitration and Conciliation Act, 1996 ["the Act"] before the learned Arbitral Tribunal, within three days after constitution



- thereof and replies thereto may be filed within one week thereafter.
- b. Mr. Vikram Jetly, learned Central Government Standing Counsel, states that the statement made on behalf of the Union of India on 19.12.2023, will continue until any directions are passed by the arbitral tribunal, subject to the petitioner keeping bank guarantees in question alive.
- c. Mr. Suhail Dutt, learned Senior Counsel for the petitioner, states that the petitioner undertakes to keep the bank guarantees alive.
- d. It is made clear that these orders are intended to preserve the *status quo* until the arbitral tribunal deals with the application and the parties may seek variation, vacation, modification or continuation of these orders from the arbitral tribunal.
4. The petitions stand disposed of with these directions. All pending applications also stand disposed of.

PRATEEK JALAN, J

MARCH 14, 2024

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