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

+ **O.M.P.(MISC.)(COMM.) 14/2024 & I.A. 571/2024**

M/S. VIVAAN SOLAR PVT. LTD. Petitioner

Through: Mr. Arun Doodawat, Adv.

versus

NORTHERN RAILWAYS

..... Respondent

Through: Mr. Jagjit Singh and Mr. Ramkesh
Advs. (9717632992)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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10.01.2024

1. This hearing has been done through hybrid mode.

I.A.571/2024 (for exemption)

2. This is an application filed for exemption from filing legible documents. Allowed, subject to all just exceptions. Application is disposed of.

O.M.P.(MISC.)(COMM.) 14/2024

3. This is a petition seeking extension of the mandate of the sole Arbitrator under Section 29A(4) and 29A(5) of the Arbitration and Conciliation Act, 1996 (*hereinafter, 'the Act'*), in the arbitration matter titled as "*M/s Vivan Solar Pvt. Ltd. v. Northern Railways*".

4. The Petitioner and Respondent had entered into a Power Purchase Agreement (*hereinafter 'PPA'*) dated 16th November, 2016, for Design, Manufacture, Supply, Erection, Test and Commissioning of 5 MWp of solar rooftop project including operation and maintenance of the project for 25 years at Railway Stations over Northern Railways under Public Private



Partnership ('PPP') model. However, certain disputes / defects arose which were notified to the Respondent. However, since no steps were taken by the Respondents and no payments were made therein the Petitioner invoked Article 28.3 of the PPA i.e. and terminated the contract vide notice dated 24th August, 2020. In view of the same the parties proceeded to Arbitration. However, since Respondent failed to appoint an Arbitrator within the stipulated time, the present petition under Section 11 (6) of the Act was filed seeking appointment of sole Arbitrator. This Court on 9th September, 2021 appointed Mr. Justice (Retd.) A.P. Shah as the Sole Arbitrator to adjudicate the disputes between the parties.

5. The arbitrator in this case entered reference on 27th September, 2021. A perusal of the list of dates shows that considerable progress has been made and the evidence is being recorded. At the stage of evidence, certain settlement negotiations have commenced between the parties. Thus, extension is sought. Ld. Counsel for the Respondent has no objection.

6. In view of the above recorded facts, the mandate of the arbitrator is extended till 31st December, 2024.

7. The petition is disposed of. All pending applications are disposed of.

PRATHIBA M. SINGH, J.

JANURARY 10, 2024

dj/bh