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

+ **O.M.P.(I) (COMM.) 419/2024**

M/S TAURANT PROJECTS LTD.

.....Petitioner

Through: Mr. Pranjit Bhattacharya, Mr.
Divyanshu Bhatt, Mr. Raman Gandhi,
Advocates

versus

M/S GAIL INDIA LTD.

.....Respondent

Through: Mr. Ratan Kr. Singh, Sr. Adv with
Mr. Nikhilesh Krishnan, Ms. Ritika
Priya, Mr. Divyam Rathi, Advocates

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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12.12.2024

I.A. 48077/2024 (Exemption)

Allowed, subject to all just exceptions.

O.M.P.(I) (COMM.) 419/2024 & I.A. 48076/2024

1. The Petitioner has approached this Court under Section 9 of the Arbitration and Conciliation Act, 1996 with the following prayers:-

“(a) Restrain the Respondent, their agents, consultants including M/s MECON Ltd and M/s Resonance Energy from terminating the Contract with the Petitioner in respect of Letter of Award dated 07.05.2018 pending the adjudication of Arbitration proceedings; and

(b) Restrain the Respondent from taking any coercive actions including invoking any Performance Security I and Performance Bank Guarantee no.



030BG01232770001 for Rs. 53,92,3371-provided by the Petitioner till the pendency of the Arbitration Proceedings.

(c) Direct the Respondent to handover the valid specific Statutory permission for installation of underground steel pipeline along with HDPE duct by open cut and HDD technology and laying & blowing of underground Optical fibre cable inside the HDPE duct as applicable from JARDCL, RCD and Water Resource Department within 15 days time

(d) Pass such orders as this Hon'ble Court deems fit in the present facts and circumstances of the case."

2. Material on record discloses that the disputes have arisen between the parties under the contract dated 08.05.2018 for laying and hydrotesting of 12, & 8" NB underground PE Coated Steel Pipeline Network & associated works at Ranchi - Part A. It is stated that an Arbitrator has already been appointed for adjudicating the disputes between the parties.
3. It is stated that an application under Section 17 of the Arbitration and Conciliation Act has been filed before the Ld. Arbitrator. Paragraph No.47 of the application under Section 17 of the Arbitration & Conciliation Act contains a prayer for restraining the Respondent from terminating the Contract which is one of the prayers raised in the present petition as well.
4. It is the case of the Petitioner that the present apprehension of termination has occurred on the ground of facts that has occurred subsequent to the institution of the application under Section 17 of the Arbitration and Conciliation Act.
5. Be that as it may, in view of the fact that the Petitioner has already invoked Section 17 of the Arbitration and Conciliation Act with an identical



prayer, which has already been decided *vide* Order dated 25.11.2024 by the Ld. Arbitrator, in the fairness of things, since the Petitioner has approached the Ld. Arbitrator itself for adjudication of the prayers raised by him in the instant petition, the learned Counsel for the Petitioner is directed to approach the Ld. Arbitrator within a period of 05 days from today.

6. The Ld. Arbitrator is directed to treat the present application as one under Section 17 of the Arbitration and Conciliation Act. The Ld. Arbitrator is requested to consider and decide the application of the Petitioner expeditiously.

7. The Petition is disposed of along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

DECEMBER 12, 2024

RJ