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

+ O.M.P. (COMM) 456/2024

UNION OF INDIA

.....Petitioner

Through: Mr.Ruchir Mishra, Mr.Sanjiv Kr.
Saxena, Mr.Mukesh, Ms.Poonam, Ms.Reba and
Ms.Harshita, Advocates

versus

SHAPOORJI PALLONJI AND COMPANY PVT. LTD.

.....Respondent

Through: Mr. Ciccu Mukhopadhaya, Sr.
Advocate with Mr. Saurav Agrawal,
Mr. Ravi Tyagi, Mr. Mayank Mishra,
Ms. Manmilan Sidhu, Mr. Ankit
Tyagi, Ms. Bhumika Bhatnagar, Ms.Prachi Dubey,
Ms.Sudhiksha Saini, Mr.Shichar Misra and
Mr.Babit Jamwal, Advocates

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **04.03.2025**

I.A. 2851/2025 (early hearing of I.A. 43607/2024 by the petitioner)

1. By way of present application, the petitioner/applicant seeks early hearing of I.A. 43607/2024.
2. Learned counsel for the respondent submits that he has no objection to the prayer made in the present application.
3. For the reasons stated in the application and in view of the no objection given by the other side, the present application is allowed and I.A. 43607/2024 alongwith O.M.P. (COMM) 456/2024 is taken up for hearing



today itself.

4. In view of the above, the present application is disposed of.

O.M.P. (COMM) 456/2024 and I.A. 43607/2024

1. Learned counsels for the parties have jointly handed over draft terms in Court today that they have both consented to.
2. The petitioner has filed the present petition under Section 34 of the Arbitration & Conciliation Act, 1996 (the “Act”) challenging the order dated 7th September, 2024 passed by the Arbitral Tribunal in the matter of *Shapoorji Pallonji and Company Pvt. Ltd. Vs. Union of India/CPWD*, by which order the Arbitral Tribunal rejected the petitioner herein’s application to take on record an Additional Counter Claim.
3. The respondent herein has objected to the maintainability of the Section 34 petition on the ground that the order is not an interim award and therefore, not amenable to challenge under Section 34 of the Act.
4. The parties have submitted that the award has been reserved after hearing the parties vide Arbitral Tribunal’s order dated 29th January, 2025.
5. Without prejudice to the aforesaid objection of the respondent herein, in order to expedite the conclusion of the Arbitration Proceedings and disposal of all the disputes between the parties under the Arbitral Proceedings where award is to be published, the respondent has consented to, and the parties have agreed to, a consent order, on the following terms:
 1. In the passing of the Award, the Arbitral Tribunal would consider the quantum of the Additional Counter Claim, if it finds that the Petitioner herein is entitled to compensation in accordance with law as per clause 2 of the Agreement i.e., liquidated damages.



2. In such event, the Additional Counter Claim would be considered on the basis of materials (including merits of the of the Pleadings of Parties and Evidence) already on record and the Respondent herein's reply dated 6th September, 2024.
3. The Arbitral Tribunal may before Passing the Award, fix a hearing if required on the Additional Counter Claim but the same shall be based only on the existing records
5. In view of the above, the present petition alongwith pending applications are disposed of.
6. The date already fixed, i.e., 23.05.2025 stands cancelled.

MANOJ KUMAR OHRI, J

MARCH 4, 2025

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