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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 15478/2024 and CM APPL. 70134/2024**

M/S ZAPDOR-UBC-ABN (JV)Petitioner
Through: **Mr. Anshuman Upadhyay, Advocate.**
versus

RAILWAY BOARD & ORS.Respondents
Through: **Ms. Saumya Tandon, CGSC with**
Mr.Gaurav Singh Sengar, Advocate for
Respondents.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **30.01.2025**

1. This writ petition is preferred on behalf of the Petitioner under Article 226 of the Constitution of India to direct Respondents No.1 to 3 to settle the claims of the Petitioner in relation to Contract No. PMRE/EL/KKK/964 Gr. 172 (Mod-3) dated 30.11.2015; LOA No. ELCORE/T/OHE/GR.172(MOD-3)/162 dated 05.08.2015 resulting in an Arbitral Award dated 26.02.2021 passed in the matter of *M/s Zapdor-UBC-ABN (JV), New Delhi Vs. Union of India* in accordance with the *Vivad Se Vishwas Scheme-II* dated 29.05.2023.
2. Learned counsel for the Petitioner submits that Department of Expenditure, Ministry of Finance, Government of India (GOI) introduced a Scheme on 29.05.2023 called "*Vivad Se Vishwas Scheme-II*" for the purpose of settling contractual disputes in cases where one of the parties is either the GOI and/or organisations detailed in Clause 4 of the Scheme. It is urged that case of the Petitioner falls under Clause 10(b) of the Scheme which provides that for Arbitral Awards passed on or before 31.01.2023, 65% of the net amount awarded/upheld by the Court or 65% of the claim amount lodged by the contractor under the Scheme, whichever is lower, will



be payable by way of settlement, whether or not the case is under challenge/appeal before a Court. Present Arbitral Award was passed on 26.02.2021 and thus under the Scheme, Petitioner is entitled to 65% of the awarded amount, by virtue of Clause 10(b).

3. Learned CGSC appearing for the Respondents, on instructions, submits that Respondents are ready and willing to pay 65% of the net amount awarded under the Arbitral Award dated 26.02.2021 and the payment shall be released in accordance with Clause 14 of the Scheme.

4. In view of the stand taken by the Respondents, this writ petition is disposed of directing the Respondents to compute and release 65% of the awarded amount to the Petitioner in consonance with the *Vivad Se Vishwas Scheme-II* and within the timelines and as per procedure prescribed in Clause 14 thereof.

5. Pending application stands disposed of.

JYOTI SINGH, J

JANUARY 30, 2025

B.S. Rohella