

## IN THE HIGH COURT OF JHARKHAND AT RANCHI

### Arbitration Application No. 12 of 2020

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Delhi Integrated Multi Modal Transit System Limited (DIMTS) having its Registered Office at 8<sup>th</sup> Floor, Block-1, Delhi Technology Park, Shastri Park, Delhi-110053 represented through its duly Authorized Officer namely Ashvini Parashar aged about 52 years, S/o Sh. B.D. Parashar R/o. Flat No. A-84, IDC Apartments, Plot No. 8c, Sector-11, Dwarka, New Delhi-110075.

... .. **Petitioner**

### Versus

Jharkhand Urban Infrastructure Development Company Limited (JUIDCO) through its Director having its Offices at Second Floor, Vasundhara Megha Mart, Near Argora Chowk, Ranchi, Jharkhand, -834002 and also at Third Floor RRDA Building, Kutchery Chowk, P.O. -Kutchery Chowk, P.S. Kotwali, Ranchi, Jharkhand-834001.

..... **Respondent**

### With

### Arbitration Application No. 14 of 2020

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Delhi Integrated Multi Modal Transit System Limited (DIMTS) a Company a Registered and incorporated under Companies Act, 1956 having its office at 8<sup>th</sup> Floor, Block-1, Delhi Technology Park, Shastri Park, Delhi-110053, India through its authorized representative namely Harvinder Pal Singh Chough, son of Sh. Manmohan Pal Singh Chugh, resident of 217, GH-4, Kaveri Apartments, Sector 21D, Faridabad (Haryana), P.O. 121012, P.S. Sector 21D.

... .. **Applicant**

### Versus

Jharkhand Urban Infrastructure Development Company Limited (JUIDCO) A company incorporated under Companies Act, 1956 and owned by Government of Jharkhand, having its registered office at Urban Development and Housing Department, 4<sup>th</sup> Floor, Project Building, Dhurwa, P.O & P.S. Dhurwa, Town and District Ranchi, Jharkhand, and also at 3<sup>rd</sup> Floor, Pragati Sadan (RRDA Building) Kutchary Chowk, P.O & P.S. NCDC Town and District Ranchi, Ranchi-834001 Jharkhand through Shri Suresh Paswan Project Director (Technical)

..... **Respondent**

**With**  
**Arbitration Application No. 15 of 2020**  
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Delhi Integrated Multi Modal Transit System Limited (DIMTS) a Company a Registered and incorporated under Companies Act, 1956 having its office at 8<sup>th</sup> Floor, Block-1, Delhi Technology Park, Shastri Park, Delhi-110053, India through its authorized representative namely Harvinder Pal Singh Chough, son of Sh. Manmohan Pal Singh Chugh, resident of 217, GH-4, Kaveri Apartments, Sector 21D, Faridabad (Haryana), P.O. 121012, P.S. Sector 21D.

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Jharkhand Urban Infrastructure Development Company Limited (JUIDCO) A company incorporated under Companies Act, 1956 and owned by Government of Jharkhand, having its registered office at Urban Development and Housing Department, 4<sup>th</sup> Floor, Project Building, Dhurwa, P.O & P.S. Dhurwa, Town and District Ranchi, Jharkhand, and also at 3<sup>rd</sup> Floor, Pragati Sadan (RRDA Building) Kutchary Chowk, P.O & P.S. NCDC Town and District Ranchi, Ranchi-834001 Jharkhand through Shri Suresh Paswan Project Director (Technical)

..... **Respondent**

**With**  
**Arbitration Application No. 16 of 2020**  
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Delhi Integrated Multi Modal Transit System Limited (DIMTS) a Company a Registered and incorporated under Companies Act, 1956 having its office at 8<sup>th</sup> Floor, Block-1, Delhi Technology Park, Shastri Park, Delhi-110053, India through its authorized representative namely Harvinder Pal Singh Chough, son of Sh. Manmohan Pal Singh Chugh, resident of 217, GH-4, Kaveri Apartments, Sector 21D, Faridabad (Haryana), P.O. 121012, P.S. Sector 21D.

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Jharkhand Urban Infrastructure Development Company Limited (JUIDCO) A company incorporated under Companies Act, 1956 and owned by Government of Jharkhand, having its registered office at Urban Development and Housing Department, 4<sup>th</sup> Floor,

Project Building, Dhurwa, P.O & P.S. Dhurwa, Town and District Ranchi, Jharkhand, and also at 3<sup>rd</sup> Floor, Pragati Sadan (RRDA Building) Kutchary Chowk, P.O & P.S. NCDC Town and District Ranchi, Ranchi-834001 Jharkhand through Shri Suresh Paswan Project Director (Technical) ..... **Respondent**

**With**  
**Arbitration Application No. 17 of 2020**  
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Delhi Integrated Multi Modal Transit System Limited (DIMTS) a Company a Registered and incorporated under Companies Act, 1956 having its office at 8<sup>th</sup> Floor, Block-1, Delhi Technology Park, Shastri Park, Delhi-110053, India through its authorized representative namely Harvinder Pal Singh Chugh, son of Sh. Manmohan Pal Singh Chugh, resident of 217, GH-4, Kaveri Apartments, Sector 21D, Faridabad (Haryana), P.O. 121012, P.S. Sector 21D.

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Jharkhand Urban Infrastructure Development Company Limited (JUIDCO) A company incorporated under Companies Act, 1956 and owned by Government of Jharkhand, having its registered office at Urban Development and Housing Department, 4<sup>th</sup> Floor, Project Building, Dhurwa, P.O & P.S. Dhurwa, Town and District Ranchi, Jharkhand, and also at 3<sup>rd</sup> Floor, Pragati Sadan (RRDA Building) Kutchary Chowk, P.O & P.S. NCDC Town and District Ranchi, Ranchi-834001 Jharkhand through Shri Suresh Paswan Project Director (Technical) ..... **Respondent**

**With**  
**Arbitration Application No. 18 of 2020**  
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Delhi Integrated Multi Modal Transit System Limited (DIMTS) a Company a Registered and incorporated under Companies Act, 1956 having its office at 8<sup>th</sup> Floor, Block-1, Delhi Technology Park, Shastri Park, Delhi-110053, India through its authorized representative namely Harvinder Pal Singh Chugh, son of Sh. Manmohan Pal Singh Chugh, resident of 217, GH-4, Kaveri Apartments, Sector 21D, Faridabad (Haryana), P.O. 121012, P.S. Sector 21D.

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Jharkhand Urban Infrastructure Development Company Limited (JUIDCO) A company incorporated under Companies Act, 1956 and owned by Government of Jharkhand, having its registered office at Urban Development and Housing Department, 4<sup>th</sup> Floor, Project Building, Dhurwa, P.O & P.S. Dhurwa, Town and District Ranchi, Jharkhand, and also at 3<sup>rd</sup> Floor, Pragati Sadan (RRDA Building) Kutchary Chowk, P.O & P.S. NCDC Town and District Ranchi, Ranchi-834001 Jharkhand through Shri Suresh Paswan Project Director (Technical) ..... **Respondent**

**With**

**Arbitration Application No. 19 of 2020**

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Delhi Integrated Multi Modal Transit System Limited (DIMTS) a Company a Registered and incorporated under Companies Act, 1956 having its office at 8<sup>th</sup> Floor, Block-1, Delhi Technology Park, Shastri Park, Delhi-110053, India through its authorized representative namely Harvinder Pal Singh Chugh, son of Sh. Manmohan Pal Singh Chugh, resident of 217, GH-4, Kaveri Apartments, Sector 21D, Faridabad (Haryana), P.O. 121012, P.S. Sector 21D.

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Jharkhand Urban Infrastructure Development Company Limited (JUIDCO) A company incorporated under Companies Act, 1956 and owned by Government of Jharkhand, having its registered office at Urban Development and Housing Department, 4<sup>th</sup> Floor, Project Building, Dhurwa, P.O & P.S. Dhurwa, Town and District Ranchi, Jharkhand, and also at 3<sup>rd</sup> Floor, Pragati Sadan (RRDA Building) Kutchary Chowk, P.O & P.S. NCDC Town and District Ranchi, Ranchi-834001 Jharkhand through Shri Suresh Paswan Project Director (Technical) ..... **Respondent**

**With**

**Arbitration Application No. 20 of 2020**

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Delhi Integrated Multi Modal Transit System Limited (DIMTS) having its Registered Office at 8<sup>th</sup> Floor, Block-1, Delhi Technology Park, Shastri Park, Delhi-110053 represented through its duly Authorized Officer namely

Ashvini Parashar aged about 52 years, S/o Sh. B.D. Parashar R/o. Flat No. A-84, IDC Apartments, Plot No. 8c, Sector-11, Dwarka, New Delhi-110075.

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..... **Respondent**

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**CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD**  
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For the Petitioner : Mr. Rajesh Kr. Mahata, Advocate  
[In A.A. Nos. 12 & 20 of 2020]  
M. Minakshi Jyoti, Advocate  
[In A.A Nos. 13 to 19 of 2020]  
For the Respondents : Mr. Krishna Murari, Advocate  
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**9/Dated 28<sup>th</sup> April, 2022**

This Court has passed an order on 17.02.2022, whereby and whereunder, by invoking the jurisdiction conferred to this Court under Section 11 (6) (C) of the Arbitration & Conciliation Act, 1996 and in view of the condition stipulated under Clause 21.3 of the Agreement, Hon'ble Mr. Justice D.N. Prasad (Retd.), Former Judge of this Court has been appointed to act as the sole Arbitrator for adjudication of the dispute between the parties

**2.** A letter dated 29.03.2022 has been received which has been placed before this Court, whereby and whereunder, Hon'ble Mr. Justice D.N. Prasad (Retd.), Former Judge of this Court, has communicated to the

Registrar General of this Court refusing his consent to act as Arbitrator and thereby, the matter has been placed before this Court for passing appropriate order for appointment of sole Arbitrator.

**3.** It has been informed to this Court on behalf of the learned counsel for the respondents that Hon'ble Mr. Justice N.N. Tiwari (Retd.), Former Judge of this Court, may be appointed as sole Arbitrator for resolution of the dispute in between the parties.

**4.** Considering the aforesaid suggestion, this Court is of the view that the order dated 17.02.2022 is required to be modified, so as to appoint Hon'ble Mr. Justice N.N. Tiwari (Retd.), Former Judge of this Court to act as sole Arbitrator for resolution of the dispute existing in between the parties.

**5.** This Court, therefore, appoints Hon'ble Mr. Justice Hon'ble Mr. Justice N.N. Tiwari (Retd.), Former Judge presently residing at F/673, Tiwari Lane, J.C. Road, Burdwan Compound, Ranchi, as Arbitrator to adjudicate the dispute between the parties.

**6.** The proposed Arbitrator is required to submit a declaration in terms of Section 12 of Arbitration and Conciliation Act, 1996.

**7.** Learned Arbitrator would be free to lay down fees and other expenses towards conduct of the arbitration

proceedings, however, keeping into account the ceiling prescribed under Schedule IV of the Act of 1996 as amended. Learned Arbitrator would endeavour to conclude the proceedings expeditiously, also taking into regard the mandate of the Legislature under Section 29-A of the Act of 1996.

**8.** Let photocopy of the entire pleadings along with copy of the entire order sheet be sent to the learned Arbitrator by the Registry.

**9.** The present Arbitration Applications are disposed of accordingly.

**(Sujit Narayan Prasad, J.)**

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