

OMP (COMM) No.13/2024

Railway Administration Vs. Hind Terminals Pvt. Ltd.

19.08.2025 (At 12:34 PM)

Present : Mr. Vijay Joshi, Ld. Counsel for Petitioner.
Mr. Piyush Sharma, Mr. Armaan Verma & Mr. Sarang Rastogi, Ld.
Counsels for Respondent.

An application for waiver of cost as imposed on the last date of hearing was filed on behalf of the petitioner.

I heard the contentions of Ld. Counsel for Petitioner. I am not satisfied with the given reasons for causing adjournment in the matter especially, when this matter was also fixed for a particular purpose. Hence, application is rejected.

Ld. Counsel for the petitioner submitted that his submission be recorded that Counsel would pay the cost because it was his duty to appear before the Court and it was his default not to appear before the Court.

For this Court, Counsel is only representative of the respective parties and internal mechanism between the Counsel and the petitioner, is none of the concerns of this Court.

Ld. Counsel submits that he had moved this application and, therefore, he did not pass on information to the department to tender this cost today. I cannot appreciate such conduct on the part of the Counsel or the petitioner department to make a presumption in their favour, just by moving one application.

On the next date of hearing, AR of petitioner department shall appear in person and shall tender the cost.

Submissions heard on the application u/s.34(3) of the Arbitration Act.

Contd...2.

Put up for orders on that application on 26.08.2025.

Copy of this order be sent to GM (Northern Western Railway), Jaipur / GM (Northern Railway), Baroda House, New Delhi.

Since beginning, Ld. Counsel for the petitioner is agitating over the matter of refusal of this Court to wave off the cost, despite given repeated advices and directions, he is not ready to mend his ways and I am not able to appreciate such conduct of Ld. Counsel.

After hearing the aforesaid part of the order, Ld. Counsel for the petitioner has tendered the cost to the Ld. Counsel for the respondent.

Ld. Counsel for the petitioner has started shouting in the Court, which is being unbearable for the Court now and this is the last warning being recorded for Ld. Counsel to maintain the decorum of the Court.

Since the cost has been tendered by the Ld. Counsel, copy of order need not be sent to the department.

Pulastya Pramachala
District Judge (Commercial Court)-01
Patiala House Court, New Delhi.
19.08.2025