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

+ W.P.(C) 394/2023 and CM APPL. 1578/2023, 53168/2023 and 64972/2023

M/S NOMA INFRASTRUCTURE PVT. LTD.Petitioner

Through: Ms. Madhavi Divan, Senior Advocate
with Dr. Bharat Nagar, Ms. Aishani Narain,
Mr. Shobhit Jain and Mr. Shiddharat Sikri,
Advocates.

versus

UNION OF INDIA,

MINISTRY OF RAILWAYS & ANR.

.....Respondents

Through: Ms. Pratima N. Lakra, CGSC with
Ms. Kashish G. Baweja, Advocate.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

16.01.2025

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1. Ms. Madhavi Divan, learned Senior counsel for the Petitioner submits that till date, even joint inspection of the allegedly damaged rakes has not been carried out by Respondent No.1. She also contends *inter alia* that Petitioner has been offering to repair the damage at its own cost but there is no positive response from Respondent No.1 and this impasse is resulting in monetary loss to both the parties to the *lis*.

2. Without prejudice to the objection of Respondent No.1 that the disputes raised in the present petition can only be adjudicated in arbitration proceedings as the Concession Agreement contains an arbitration clause, learned counsel for Respondent No.1 shall revert back with instructions with

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respect to: (a) joint inspection of the two rakes in question; and (b) offer of the Petitioner to have the rakes repaired at its own cost by the original manufacturer.

3. List on 24.01.2025 at 02:30 P.M.

JYOTI SINGH, J

JANUARY 16, 2025
B.S. Rohella