



\$~23

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

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

M/S NOMA INFRASTRUCTURE PVT. LTD.Petitioner

Through: Ms. Madhavi Divan, Sr. Adv. with
Ms. Aishani Narain, Dr. Bharat
Nagar, Mr. Shobhit Jain, Mr.
Kushal Mittal, Advocates.

versus

UNION OF INDIA, MINISTRY OF RAILWAYS
& ANR.

.....Respondents

Through: Ms. Pratima N. Lakra, CGSC with
Mr. Chandan Prajapati, Advocate
for R-1.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

26.11.2024

1. It appears that the efforts made by the parties to resolve the matter have been unsuccessful.

2. The petitioner's grievances arise out of a Concession Agreement dated 27.07.2018 [Annexure P-12 to the writ petition]. The Agreement contains a Dispute Resolution Clause (Article 18), which provides for adjudication by a three-member arbitral tribunal.

3. Without prejudice to their rights and contentions in the writ petition, learned counsel for the parties seek time to take instructions as to whether they are amenable to a reference of their disputes to arbitration



so that a comprehensive resolution can be reached through the contractually empowered dispute resolution mechanism.

4. If the petitioner wishes to proceed with adjudication by way of this writ petition, it is made clear that it will be bound by the adjudicatory parameters applicable to writ petitions, including procedural defects, arbitrariness, perversity, etc., and the Court will not enter into a review on merits. The petitioner will also be required to proceed on the basis of undisputed facts.

5. Ms. Pratima N. Lakra, learned Central Government Standing Counsel for the Union of India, is also requested to take instructions on the aforesaid dispute resolution methodology.

6. List on 17.12.2024.

PRATEEK JALAN, J

NOVEMBER 26, 2024

“Bhupi/JM”/