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

+ **CS(COMM) 839/2022**

INTERNATIONAL ENGINEERS AND PROJECTS

CONSULTANTS LTD Plaintiff

Through: Mr. Himanshu Mahajan, Advocate

versus

MAHANAGAR TELEPHONE NIGAM LIMITED Defendant

Through: Mr. Arun Sanwal, Advocate

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **24.03.2023**

I.A. 5739/2023 (u/S 30 & 33)

1. The instant application under Sections 30 and 33 of the Arbitration Act, 1940 has been filed on behalf of applicant/defendant seeking the following reliefs:-

“a) Pass an order setting aside award dated 23.12.2020 and corrigendum dated 24.02.2021 passed by the Ld. Sole Arbitrator in arbitration proceedings titled “Mahanagar Telephone Nigam Limited vs. M/s International Engineers and Project Consultants Limited”...”

2. Learned counsel appearing on behalf of applicant/defendant submitted that the main suit under Section 17 of the Arbitration Act, 1940 has been filed for pronouncing judgement and decree according to the award



dated 23rd December, 2020 and corrigendum to the award dated 24th February, 2021. The Plaintiff herein is M/s International Engineers and Project Consultants Limited, a private limited company incorporated under the Companies Act, 1956, having its registered office at 99, DSIDC Okhla Industrial Area, Phase-1, New Delhi-110020. The defendant, i.e. Mahanagar Telephone Nigam Limited is a public sector enterprise having its corporate office at 5th Floor, Mahanagar Doorsanchar Sadan, 9, COO Complex, Lodhi Road, New Delhi-110003.

3. It is stated that the Plaintiff and the Defendant had *inter alia* entered into an Agreement dated 04.01.1991 wherein the Plaintiff was awarded a contract to run a franchise running ISD/STD/Local pay phones in the National Capital Territory of Delhi. Disputes surfaced between the Plaintiff and the Defendant relating to Agreement dated 04.01.1991 executed between both parties for operating 500 Pay Phones in Delhi, which has culminated into award dated 23.12.2020 being passed by the learned Sole Arbitrator. On an application being moved by the plaintiff, the learned Arbitrator has also passed Corrigendum dated 24.02.2021, to award dated 23.12.2020.

4. It is submitted that the Learned Sole Arbitrator has grossly misconducted himself and the proceedings by *inter-alia* failing to appreciate the correct position in law, failing to adjudicate upon the arguments raised by the defendant. It is stated that the impugned award dated 23.12.2020 is on the face of it contrary to law and the views taken therein cannot be sustained in law. It is further stated that the impugned award suffers from total non application of mind as the learned Arbitrator has not dealt with any contentions raised by MTNL.



5. Heard.
6. Issue notice. Notice is accepted by Mr. Himanshu Mahajan, learned counsel appearing on behalf of non-applicant/plaintiff. He vehemently opposed the instant application and prayed for some time to file reply/objection.
7. Let reply/objection to the application be filed within six weeks. Rejoinder, thereto if any, be filed within four weeks thereafter.
8. List on 25th July, 2023 i.e. the date already fixed.

CHANDRA DHARI SINGH, J

MARCH 24, 2023

Dy/@k

Click here to check corrigendum, if any