

GAHC010079032021



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Arb.P./10/2021

M/S V.K. SOOD ENGINEERS AND CONTRACTORS PVT. LTD.
HOUSE NO. 20, SECTOR-6, PANCHKULA, HARYANA, PIN-134109,
AUTHORISED OFFICIAL OF THE PETITIONER COMPANIES, SRI JATINDRA
KUMAR AGED ABOUT 56 YEARS

VERSUS

UNION OF INDIA, MINISTRY OF RAILWAYS AND 2 ORS.
TO BE REPRESENTED BY THE GENERAL MANAGER (CONSTRUCTION),
NORTHEAST FRONTIER RAILWAY (NFR), T.N. TOWER, 114, ASSAM TRUNK
RD, MALIGAON GATE NO. 4, GUWAHATI, ASSAM-781011

2:THE CHIEF ENGINEER (CONSTRUCTION)
NORTHEAST FRONTIER RAILWAYS
MALIGAON
GUWAHATI-781011 (ASSAM)

3:THE DEPUTY CHIEF ENGINEER (CONSTRUCTION)
NORTHEAST FRONTIER RAILWAYS
NEW JALPAIGURI
WEST BENGAL-73400

Advocate for the Petitioner : MR. A THAKUR

Advocate for the Respondent : SC, RAILWAY

Linked Case : Arb.P./7/2021

M/S. HCC-DSD-VNR CONSORTIUM
HAVING ITS REGD. OFFICE AT HINCON HOUSE
LAL BAHADUR SHASTRI MARG
VIKROLI (WEST)
MUMBAI-400083
REP. BY ITS AUTHORIZED SIGNATORY MR. RAKESH KUMAR SINGH
PROJECT MANAGER
S/O. RANG BAHADUR SINGH
WORKING AT M/S HCC-DSD-VNR CONSORTIUM
BOGIBEEL RAIL CUM ROAD BRIDGE PROJECT
HOUSE NO.13
WARD NO.20
THANURAM ROAD
NALIA POOL
A.T. ROAD
DIBRUGARH
ASSAM-786001.

VERSUS

NORTHEAST FRONTIER RAILWAY
REP. BY THE GENERAL MANAGER (CONSTRUCTION) AT NORTHEASTERN
FRONTIER RAILWAY
MALIGAON
GUWAHATI
ASSAM-781011.

2:CHIEF ADMINISTRATIVE OFFICER(CONSTRUCTION)
NF RAILWAY MALIGAON
GUWAHATI-11

Advocate for : MR. K GOSWAMI
Advocate for : SC
RAILWAY appearing for NORTHEAST FRONTIER RAILWAY

Linked Case : Arb.P./34/2020

BEB-DDS-RKD (JV)-NAYAK (JV)
A JOINT VENTURE CONSISTING OF BEB-DDS-RKD (JV) LTD. HAVING ITS
REGD. AT PLOT NO 686/2881 AND 2884
SHANTINAGAR
CANAL ROAD
LAXMISAGAR
JHARPADA
BHUBANESHWAR- 751006

ODISHA AND M/S NAYAK INFRASTRUCTURE PVT. LTD. HAVING ITS REGD.
OFFICE AT SWARUPNANDA ROAD
LUMDING- 782447
P.O. LUMDING
DIST.- NAGAON (TRIPURA)
HAVING ITS OFFICE AT 2ND FLOOR
KAMAKHYA COMMERCIAL
C.K.ROAD
PAN BAZAR
GHY-01
ASSAM AND IS REP. BY ITS MANAGING DIRECTOR
SHRI ANANTA CHARAN NAYAK
R/O- SWARUPA NANDA ROAD
LUMDING
IN THE DIST. OF NAGAON
ASSAM

VERSUS

NORTH EAST FRONTIER RAILWAY AND ANR.
(CONSTRUCTION ORGANISATION) REP. BY THE GENERAL
MANAGER/CONSTRUCTION
MALIGAON
GHY-11
KAMRUP (M)
ASSAM

2:CHIEF ENGINEER/CONSTRUCTION-2
NORTH EAST FRONTIER RAILWAY (CONSTRUCTION ORGANISATION) REP.
BY THE GENERAL MANAGER/CONSTRUCTION
MALIGAON
GHY-11
KAMRUP (M)
ASSAM

Advocate for : MR G N SAHEWALLA
Advocate for : SC
RAILWAY appearing for NORTH EAST FRONTIER RAILWAY AND ANR.

Linked Case : Arb.P./8/2021

M/S. HCC-DSD-VNR CONSORTIUM
HAVING ITS REGD. OFFICE AT HINCON HOUSE
LAL BAHADUR SHASTRI MARG
VIKHROLI (WEST)

MUMBAI-400083 REP. BY ITS AUTHORIZED SIGNATORY MR. RAKESH
KUMAR SINGH
PROJECT MANAGER
S/O. RANG BAHADUR SINGH
WORKING AT M/S HCC-DSD-VNR CONSORTIUM
BOGIBEEL RAIL CUM ROAD BRIDGE PROJECT
HOUSE NO.13
WARD NO.20
THANURAM ROAD
NALIA POOL
A.T. ROAD
DIBRUGARH
ASSAM-786001.

VERSUS

NORTHEAST FRONTIER RAILWAY
REP. BY THE GENERAL MANAGER(CONSTRUCTION) AT NORTHEASTERN
FRONTIER RAILWAY
MALIGAON
GUWAHATI
ASSAM-781011.

2:CHIEF ADMINISTRATIVE OFFICER(CONSTRUCTION)
NF RAILWAY
MALIGAON
GUWAHATI-11

Advocate for : MR. K GOSWAMI
Advocate for : SC
RAILWAY appearing for NORTHEAST FRONTIER RAILWAY

Linked Case : Arb.P./18/2019

M/S. BHARTIA INFRA PROJECTS LTD.
(FORMERLY KNOWN AS BHARATIA ASSOCIATES PVT. LTD.) UNDER THE
COMPANIES ACT
1956
HAVING ITS REGD. OFFICE 201 ROYAL ARCADE
DR. B BARUAH ROAD
ULUBARI
GUWAHATI
ASSAM.

VERSUS

UNION OF INDIA AND ANR.
REP. BY THE GENERAL MANAGER
N. F. RAILWAY
MALIGAON
GUWAHATI-781011.

2:THE CHIEF ENGINEER

N. F. RAILWAY
MALIGAON
GUWAHATI-781011.

Advocate for : MR. R HUSSAIN
Advocate for : SC
NF RLY appearing for UNION OF INDIA AND ANR.

Linked Case : Arb.P./22/2020

M/S. RAITANI ENGINEERING WORKS PVT. LTD.
A CO. CONSTITUTED UNDER THE INDIAN COMPANIES ACT 1956 HAVING
ITS REGISTERED OFFICE AND HEAD OFFICE AT CAMPUS OF M.M.
CHAUDHURY
P.B. ROAD
REHABARI
GUWAHATI 781008
ASSAM EPRESENTED BY ONE OF ITS DIRECTORS SHRI MAYUR RAITANI
S/O SRI ANAND RAM RAITANI
R/O 4TH FLOOR
NIRMAL SAGAR APARTMENT
OLD POST OFFICE LANE
REHABARI
GUWAHATI 781008
DIST. KAMRUP (M)
ASSAM.

VERSUS

THE UNION OF INDIA AND 3 ORS.
REPRESENTED BY THE GENERAL MANAGER
(CONSTRUCTION) N.F. RAILWAYS
MALIGAON GUWAHATI 11
DIST.KAMRUP (M)
ASSAM

PIN 781011

2:THE GENERAL MANAGER (CONSTRUCTION)
N.F. RAILWAYS
MALIGAON
GUWAHATI-11
DIST. KAMRUP (M)
ASSAM
PIN 781011

Advocate for : MR. A BISWAS
Advocate for : SC
NF RLY appearing for THE UNION OF INDIA AND 3 ORS.

Linked Case : Arb.P./3/2020

M/S. RAITANI ENGINEERING WORKS PVT. LTD.
A COMPANY INCORPORATED UNDER THE INDIAN COMPANIES ACT
1956 HAVING ITS HEAD OFFICE AT CAMPUS OF MM CHAUDHURY
PB ROAD
REHABARI
GUWAHATI- 781008
ASSAM
REP. BY ONE OF ITS DIRECTORS SRI MAYUR RAITANI
S/O- SRI ANAND RAM RAITANI
R/O- 4TH FLOOR
NIRMAL SAGAR APARTMENT
OLD POST OFFICE LANE
REHABARI
GUWAHATI- 781008

VERSUS

THE UNION OF INDIA AND ANR.
REP. BY THE GM (CONS)
NF RAILWAY
MALIGAON
GUWAHATI- 781011
ASSAM

2:THE CHIEF ENGINEER/CON-1
NF RAILWAY
MALIGAON
GUWAHATI- 781011
ASSAM

Advocate for : MS. M JAIN
Advocate for : SC
NF RLY appearing for THE UNION OF INDIA AND ANR.

Linked Case : Arb.P./4/2020

BIKASH ENTERPRISES
3-B
3RD FLOOR
SHIMA PLAZA
G.S. ROAD
ULUBARI CHARIALI
GUWAHATI- 781007.

VERSUS

THE UNION OF INDIA AND 2 ORS
REP. BY THE GENERAL MANAGER (WORKS)
N.F. RAILWAY
MALIGAON
GUWAHATI- 781011.

2:THE SENIOR DIVISIONAL ENGINEER / C
N.F. RAILWAY
MALIGAON
GUWAHATI- 781011.

3:THE DY. CHIEF ENGINEER / WORKS
N.F. RAILWAY
MALIGAON
GUWAHATI.

Advocate for : MR R HUSSAIN
Advocate for : SC
NF RLY appearing for THE UNION OF INDIA AND 2 ORS

Linked Case : Arb.P./40/2020

NAYAK INFRASTRUCTURE PVT LTD
A COMPANY REGD. UNDER THE COMPANIES ACT
1956 AND HAVING ITS REGD. OFFICE AT SWARUPNANDA ROAD
LUMDING-782447
P.O. LUMDING

DIST. NAGAON AND ITS PRINCIPAL OFFICE AT 2ND FLOOR
KAMAKHYA COMMERCIAL
C.K. ROAD
PAN BAZAR
GUWAHATI-781001 AND IS REP. BY ITS MANAGING DIRECTOR
SHRI ANANTA CHARAN NAYAK
R/O. SWARUPA NANDA ROAD
LUMDING
DIST. NAGAON
ASSAM.

VERSUS

NORTH EAST FRONTIER RAILWAY (CONS ORGANISATION) AND ANR
REP. BY THE GENERAL MANAGER/CONSTRUCTION
MALIGAON
GUWAHATI-781011
KAMRUP (M)
ASSAM.

2:CHIEF ENGINEER/CONSTRUCTION-2

NORTH EAST FRONTIER RAILWAY (CONSTRUCTION ORGANISATION) REP.
BY THE GENERAL MANAGER/CONSTRUCTION
MALIGAON
GUWAHATI-781011
KAMRUP (M)
ASSAM.

Advocate for : MR G N SAHEWALLA
Advocate for : SC
RAILWAY appearing for NORTH EAST FRONTIER RAILWAY (CONS
ORGANISATION) AND ANR

Linked Case : Arb.P./41/2020

M/S BHARTIA INFRA PROJECTS LTD.
FORMERLY KNOWN AS BHARTIA ASSOCIATE PVT. LTD.
A COMPANY INCORPORATED UNDER THE COMPANIES ACT
1956 HAVING ITS REGD. OFFICE AT 201
ROYAL ARCADE
DR. B. BARUAH ROAD
ULUBARI
GUWAHATI- 781007
ASSAM.

VERSUS

THE UNION OF INDIA AND 6 ORS
REP. BY THE GENERAL MANAGER (CON)
N.F. RAILWAY
N.F. RAILWAY
MALIGAON
GUWAHATI- 781011.

2:THE CHIEF ENGINEER/CONSTRUCTION- I
N.F. RAILWAY
MALIGAON
GUWAHATI- 781011.

3:THE DY. CHIEF ENGINEER/CON-II
N.F. RAILWAY
MALIGAON
GUWAHATI- 781011.

4:THE FA AND CAO/CON
N.F. RAILWAY
MALIGAON
GUWAHATI- 781011.

5:SRI S.P. SINGH
CHIEF ENGINEER/CON-VIII
OFFICE OF GENERAL MANAGER (CONSTRUCTION)
N.F. RAILWAY
MALIGAON
GUWAHATI- 781011.

6:SHRI S. HAJONG
THE THEN CPRO/MLG AND NOW
GGM/RVNL/MLG AND CO-ARBITRATOR
OFFICE OF GENERAL MANAGER (CONSTRUCTION)
N.F. RAILWAY
MALIGAON
GUWAHATI- 781011.

7:SHRI P. MAHANTI
RETD. FA AND CAO/EAST COAST RAILWAY
OFFICE OF GENERAL MANAGER (CONSTRUCTION)
N.F. RAILWAY
MALIGAON
GUWAHATI- 781011.

Advocate for : MR. R HUSSAIN

Advocate for : SC

NF RLY appearing for THE UNION OF INDIA AND 6 ORS

Linked Case : Arb.P./38/2020

NAYAK INFRASTRUCTURE PVT. LTD.
A COMPANY REGD. UNDER THE COMPANIES ACT
1956 AND HAVING ITS REGD. OFFICE AT SWARUPNANDA ROAD
LUMDING- 782447
P.O. LUMDING
DIST.- NAGAON AND ITS PRINCIPAL OFFICE AT 2ND FLOOR
KAMAKHYA COMMERCIAL
C.K.ROAD
PAN BAZAR
GHY-01 AND IS REP. BY ITS MANAGING DIRECTOR
SHRI ANANTA CHARAN NAYAK
R/O- SWARUPA NANDA ROAD
LUMDING
IN THE DIST. OF NAGAON
ASSAM

VERSUS

NORTH EAST FRONTIER RAILWAY AND ANR.
(CONSTRUCTION ORGANISATION) REP. BY THE GENERAL
MANAGER/CONSTRUCTION
MALIGAON
GHY-11
KAMRUP (M)
ASSAM

2:CHIEF ENGINEER/CONSTRUCTION-2
NORTH EAST FRONTIER RAILWAY (CONSTRUCTION ORGANISATION) REP.
BY THE GENERAL MANAGER/CONSTRUCTION
MALIGAON
GHY-11
KAMRUP (M)
ASSAM

Advocate for : MR G N SAHEWALLA
Advocate for : SC
RAILWAY appearing for NORTH EAST FRONTIER RAILWAY AND ANR.

**BEFORE
HONOURABLE MR. JUSTICE N. KOTISWAR SINGH**

ORDER

Date : 07.03.2022

Heard Mr. A. Thakur, learned counsel for the petitioner in Arb. P. No.10/2021; Mr. R. Hussain, learned counsel for the petitioner in Arb. P. Nos.18/2019, 4/2020 and 41/2020; Ms. M. Jain, learned counsel for the petitioner in Arb. P. No.3/2020; Mr. A. Biswas, learned counsel for the petitioner in Arb. P. No.22/2020; Mr. R. Singha, learned counsel for the petitioner in Arb.P. No.34/2020; Mr. D. Senapati, learned counsel for the petitioner in Arb. P. Nos.38/2020 and 40/2020 and Mr. S.D. Purakayastha, learned counsel for the petitioner in Arb. P. No.13/2021. Also heard Mr. G. Goswami, learned Standing Counsel, N.F. Railways; Ms. G. Sharma, learned Standing Counsel, N.F. Railways and Ms. S. Chakraborty, learned Standing Counsel, N.F. Railways in Arb. P. Nos.7/2021 and 8/2021. Mr. A. Chetry, learned counsel, appears on behalf of Mr. B. Sarmah, learned Standing Counsel, N.F. Railways, in Arb. P. No.4/2020.

On joint prayer, the matters stand adjourned to 28.03.2022.

JUDGE

Comparing Assistant