

GAHC010145962020



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

Case No. : 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 the Petitioner : MR G N SAHEWALLA

Advocate for the Respondent : SC, RAILWAY

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

ORDER

Date : 01.08.2022

Heard Mr. A. Chakraborty, learned counsel for the petitioner. Also heard Ms. G. Sharma, learned Standing Counsel, Railways.

Mr. Chakraborty, learned counsel for the petitioner, submits that the conducting counsel, Mr. R. Singha, is not available today and prays for accommodation for the day.

The prayer is allowed.

Ms. Sharma, learned Standing Counsel, Railways submits that since the petitioner-company has been declared insolvent, the petitioner-company could not have initiated an application for appointment of arbitrator in view of the bar imposed under Section 14(1)(a) of the Insolvency and Bankruptcy Code, 2016.

This aspect of the matter will be considered on the next date.

List the matter again on 10.08.2022.

JUDGE

Comparing Assistant