

GAHC010136292020



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

Case No. : Arb.P./32/2020

NAYAK INFRASTRUCTURE PVT. LTD.
A COMPANY REGISTERED UNDER THE COMPANIES ACT, 1956 AND
HAVING ITS REGISTERED 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 REPRESENTED BY ITS LIQUIDATOR, SUDHA SARMA, W/O
SHANTANU KUMAR SARMA, RESIDENT OF SUDHA AND ASSOCIATES, 185,
MRD ROAD, NEAR SBI BAMUNIMAIDAM, GUWAHATI-781021.

VERSUS

NORTH EAST FRONTIER RAILWAY AND ANR.
(CONSTRUCTION ORGANISATION) 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, MR. U K NAIR,MR. U K NAIR,MR S
DAS,MR R SINGHA,MR D SENAPATI,MR. M SAHEWALLA,MR H K SARMA

Advocate for the Respondent : SC, RAILWAY, MR. B K DAS

Linked Case : Arb.P./38/2020

NAYAK INFRASTRUCTURE PVT. LTD.
A COMPANY REGISTERED UNDER THE COMPANIES ACT
1956 AND HAVING ITS REGISTERED 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 REPRESENTED BY ITS LIQUIDATOR
SUDHA SARMA
W/O SHANTANU KUMAR SARMA
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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./33/2020

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A COMPANY REGISTERED UNDER THE COMPANIES ACT

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PO-LUMDING
DISTRICT-NAGAON AND ITS PRINCIPAL OFFICE AT 2ND FLOOR
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2:CHIEF ENGINEER/CONSTRUCTION-2
NORTH EAST FRONTIER RAILWAY (CONSTRUCTION ORGANISATION) REP.
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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./40/2020

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A COMPANY REGISTERED UNDER THE COMPANIES ACT
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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

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

17.10.2025

Heard Mr. A. Lal, learned counsel for the petitioners. Also heard Dr. BN Gogoi,

learned Standing Counsel, NF Railway.

This Court upon hearing the learned counsel for the parties had proceeded to appoint a prospective Arbitrator to resolve the disputes arising by and between the parties in connection with different Contract Works executed on different dates by and between the petitioner and the respondents. Subsequently, this Court upon examining the provisions of the Insolvency and Bankruptcy Code, 2016 read with the judgments rendered in OMP(Comm) 397/2016 on 11.12.2017 in *Power Grid Corporation of India Ltd. vs. Jyoti Structures Ltd.* and *Innoventive Industries Limtied vs. ICICI Bank and Another* reported in (2018) 1 SCC 407 considers that these matter will require further hearing to determine whether arbitration would be permissible after the Company has been directed to be liquidated by the orders passed by the NCLT, Guwahati.

Accordingly, this Court directs these matters to be listed again on 27.10.2025 for further hearing on this aspect.

Further orders in these matters will be passed upon hearing the learned counsel for the parties.

JUDGE

Comparing Assistant