## Serial No. 11 Regular List

## HIGH COURT OF MEGHALAYA AT SHILLONG

Arb. A. No. 1 of 2017 with Arb. A. No. 2 of 2018 MC (Arb.A.) No. 2 of 2018

Date of order: 02.03.2022

North Eastern Electric Power

Vs. M/S Patel Unity Joint Venture Pujv

Corporation Ltd. (NEEPCO)

North Eastern Electric Power

M/S Patel Unity Joint Venture Pujv Vs.

Corporation Ltd. (NEEPCO)

M/S Patel Unity Joint Venture Pujv

North Eastern Electric Power Corporation Ltd. (NEEPCO)

Coram:

Hon'ble Mr. Justice Sanjib Banerjee, Chief Justice Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance in Arb. A. No. 1 of 2017:

For the Petitioner/Appellant(s): Mr. H. Ahmadi, Sr. Adv.

Mr. V.K. Jindal, Sr. Adv.

Mr. S. Jindal, Adv.

Mr. K. Lahiri, Adv.

Mr. P. Arora, Adv.

For the Respondent(s)

Mr. A. Dholakia, Sr. Adv. with

Mr. A. Bhan, Adv.

Appearance in Arb. A. No. 2 of 2018:

For the Petitioner/Appellant(s): Mr. A. Dholakia, Sr. Adv. with

Mr. A. Bhan, Adv.

For the Respondent(s) : Mr. H. Ahmadi, Sr. Adv.

Mr. V.K. Jindal, Sr. Adv.

Mr. S. Jindal, Adv. Mr. K. Lahiri, Adv.

Mr. P. Arora, Adv.

Appearance in MC (Arb.A.) No. 2 of 2018:

For the Petitioner/Applicant(s): Mr. A. Dholakia, Sr. Adv. with

Mr. A. Bhan, Adv.

For the Respondent(s) : Mr. H. Ahmadi, Sr. Adv.

Mr. V.K. Jindal, Sr. Adv.

Mr. S. Jindal, Adv. Mr. K. Lahiri, Adv.

Mr. P. Arora, Adv.

The parties have agreed to resolve their disputes at this stage and a suggested order intituled as "Consent terms", though unsigned, has been handed over to Court. The present order is made in tune with such suggested order.

In Arb.A. No. 1 of 2017, an award of June 29, 2014 and the order modifying the same passed on April 21, 2016 by the Assistant Deputy Commissioner at Shillong have been challenged. In Arb. A No. 2 of 2018, the modification of the award by the order dated April 21, 2016 has been challenged and the appellant seeks restoration of the award in its entirety.

Learned counsel for the appellants, on instructions, states that during the pendency of the present proceedings, the parties have agreed that the appeals be disposed of by setting aside both the impugned award and order in appeal of June 29, 2014 and April 21, 2016, respectively. The parties also agree that all disputes and differences between them as covered by the arbitration agreement, including the question of liability and quantum, be referred to a sole arbitrator, Hon'ble Justice R Banumathi, a retired Judge of the Supreme Court. It is recorded that all rights and contentions of the parties shall remain open and this order shall not be construed as an expression of any opinion on the merits of the matter or on the rights or contentions of either party and it shall not influence the arbitration proceedings in any manner.

Accordingly, Arb. A. No. 1 of 2017 and Arb. A. No. 2 of 2018 along with MC (Arb.A.) No. 2 of 2018 stand disposed of.

Let a copy of the unsigned consent terms be kept with the records. There will no order as to costs.

(W. Diengdoh) Judge (Sanjib Banerjee) Chief Justice

Meghalaya 02.03.2022 "Sylvana PS"