

# Inland Waterways Authority Of India vs Reach Dredging Ltd. (Rdl) And Gayatri ... on 9 December, 2022

**Author: Yashwant Varma**

**Bench: Yashwant Varma**

\$~30 to 32

\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ O.M.P. (COMM) 487/2022

INLAND WATERWAYS AUTHORITY OF INDIA

..... Petitioner

versus

REACH DREDGING LTD. (RDL) AND GAYATRI

PROJECTS (P) LTD. (JV)

..... Respondent

31

+ O.M.P. (COMM) 488/2022

INLAND WATERWAYS AUTHORITY OF INDIA

..... Petitioner

versus

REACH DREDGING LTD. AND M/S RASHMI METALIKS

LTD. AND M/S SS ELECTROGRIP PRODUCTS PVT. LTD.

(JV)

..... Respondent

32

+ O.M.P. (COMM) 489/2022

INLAND WATERWAYS AUTHORITY OF INDIA

..... Petitioner

versus

REACH DREDGING LTD. AND GAYATRI PROJECTS (P)

LTD. (JV)

..... Respondent

Through: Mr. Naveen Chawla, Adv. for  
petitioner.

Mr. Shatadru Chakraborty and

Ms. Sonia Dube, Advs. for

respondent.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

ORDER

% 09.12.2022 I.A. 20824/2022 (exemption) in O.M.P. (COMM) 487/2022, I.A. 20840/2022 (exemption) in O.M.P. (COMM) 488/2022 and I.A. 20846/2022 (exemption) in O.M.P. (COMM) 489/2022 Allowed, subject to all just exceptions.

The applications shall stand disposed of.

O.M.P. (COMM) 487/2022, I.A. 20823/2022 (Stay), I.A. 20825/2022 (Delay of 3 days in refiling petition), O.M.P. (COMM) 488/2022, I.A. 20839/2022 (Stay), I.A. 20841/2022 (Delay of 3 days in refiling petition) and O.M.P. (COMM) 489/2022, I.A. 20845/2022 (stay), I.A. 20847/2022 (Delay of

3 days in refiling petition)

1. A preliminary objection is taken to the institution of the present petitions under Section 34 of the Arbitration and Conciliation Act, 1996 [the 1996 Act] with learned counsel for the respondent asserting that as per Clause 47.1.1 of the Contract, and which comprises the arbitration clause, two competing venues were indicated as being the venue for arbitration, namely, Noida/ Delhi. According to learned counsel, no part of the cause of action as may be generally understood arose within the territorial jurisdiction of this Court. It is pointed out that the work of dredging was carried out in Orissa and that the respondent is situate in the State of West Bengal. In view of the aforesaid, it was his submission that the petition under Section 34 of the 1996 Act had been wrongly instituted before this Court.

2. Learned counsel appearing for the petitioner, on the other hand, would contend that since all proceedings relating to arbitration were conducted in New Delhi, the present Court would have the requisite jurisdiction to entertain these petitions under Section 34.

3. The question which, consequently, arises is whether Delhi was understood to be merely the Venue for arbitration as opposed to being the Seat .

4. In order to enable learned counsels to address further submissions on this question, let these petitions be called again on 09.01.2023.

YASHWANT VARMA, J.

DECEMBER 9, 2022 SU