

Ref No: - 000601/L&A/Aadhar/259

SPEED POST

Date: - 13.12.2016

To
Shri Ajay Kumar Chaturvedi,
1/107, Awas Vikas Chhibramau,
Kannauj, Uttar Pradesh

Sub: - **Petition of Shri Ajay Kumar Chaturvedi proprietor of M/s Aadhar Construction.**

Ref:- Letter No.15/01/2016-PSU/1357 dated 15.11.2016

Sir,

In reference to the above subject matter and matter between the M/s Aadhar Construction and NPCC, on the request of the M/s Aadhar Construction as per the contract, Shri A.K. Jethi, BA/59 B, Janakpuri, New Delhi – 110058 was appointed as Sole Arbitrator by the Chairman & Managing Director of National Projects Construction Corporation Limited vide letter No. 000601/AC/38 dated 24.02.2004. As the proceedings before Shri A.K Jethi, Sole Arbitrator were not proceeding for various reasons, ultimately he gave a final notice on 22.06.2007 to both the parties for termination of arbitration proceedings. Subsequently, M/s. Aadhar Construction filed an arbitration application No. 407 of 2006 before Hon'ble High Court of Delhi U/s 11 (6) of Arbitration and Conciliation Act, 1996, for appointment of an alternate Arbitration in place of Shri A.K. Jethi. In compliance to the Hon'ble High Court of Delhi order dated 21.03.2007 requested by M/s. Aadhar Construction the Chairman & Managing Director, NPCC Limited vide letter dated 26.06.2007 appointed alternate Arbitrator Shri J. Nehru, Former CMD of HFCL, Flat No.8734, Pocket-8, Sector-C, Vasant Kunj, New Delhi-110070 vide letter No. 000601/AC/171 dated 10.07.2007.

Shri J. Nehru, Sole Arbitrator passed an order dated 21.05.2016 that " ... the Arbitral Tribunal finds that the continuation of the proceedings has for any other reason become unnecessary or impossible. I hereby terminate the arbitral proceedings under Section 32, Clause 2, Sub-clause (C) and thereby my mandate under Section 32 clause 3 of Arbitration Act, 1996, as aforesaid. I have not made any award in this case. Therefore the award to either party is Nil."

The M/s. Aadhar Construction had filed the petition bearing O.M.P.(T)(COMM) No.20/2015 titled as Aadhar Constructions vs. Nation Projects Construction Corporation Ltd to appoint new arbitrator, in which Hon'ble court



Continue to p/2.

was pleased to pass an order dated 25.07.2016 that "Learned counsel for the respondent has informed that the arbitration proceedings have been terminated by the Arbitrator on account of non-payment of fee as well as misbehaviour as alleged, thus, the present petition has become infructuous. Learned counsel for the petitioner states that a new Arbitral Tribunal is to be constituted in view of the termination of the proceedings. He says that the petitioner would take necessary steps very shortly. As far as this petition is concerned, the same is disposed of as such."

Keeping in view of the order of the Hon'ble High Court, Additional Terms & Conditions of the Notice Inviting Tender and on request from M/s. Aadhar Construction vide his letter no. Nil dated 20.07.2016, the Chairman & Managing Director of National Projects Construction Corporation limited has appointed Shri Raj Kumar Sarkar, Retired Chief Engineer (Construction) of Northern Railway, Flat No.203, Tower 5, Commonwealth Games Village, Delhi-110092, to act as Sole Arbitrator in place of Shri J. Nehru in the aforesaid matter to adjudicate the disputes between the parties vide letter No.000601/AC/191 dated 17.08.2016.

Now matter is pending and sub-judice before the Hon'ble Sole Arbitrator Shri Raj Kumar Sarkar and the matter is fixed for further proceeding on 03.02.2017 before the Hon'ble Sole Arbitrator.

This is for your kind information please.

Thanking You.

Yours faithfully,


15/12/16

(Adesh Kumar)
GGM (Engg.) OC

CC to:-1. Shri S.K. Kataria, Under Secretary to Government of India, PSU Section, Ministry of Water Resources, River Development & Ganga Rejuvenation, Shram Shakti Bhawan, Rafi Marg, New Delhi-110001 for kind information please.

2. Shri Alok Suman, Section Officer, Prime Minister's Office, New Delhi.

✓ 3. IT Section, NPCC Ltd. to upload on the portal of the NPCC Ltd.