TALATANI

“Rai onˑaniko kuˑsiktangona peˑanira mamlako nalis kaˑgiparangna kuˑtango maˑsina mangmangsan ongˑaia aro gipin kamrangna jakkalaniko champenga. Pilak kamrangna ba officeni sea-jotanirangna Englishchi seanikosa kakket / chongmot seani ine raˑgen aro uakosa jaˑrikna aro raˑgatna jakkalna manˑgen.

[2020] 4 S.C.R. 156

PATEL ENGINEERING LTD.

v.

NORTH EASTERN ELECTRIC POWER

CORPORATION LTD. (NEEPCO)

(Special Leave Petition (C) Nos. 3584-3585/2020)

MAY 22, 2020

[R. BANUMATHI, INDU MALHOTRA

AND ANIRUDDHA BOSE, JJ.]

Arbitration aro Conciliation Act, 1996 – section-rang 34 aro 37 – Bibadi – North Eastern Electric Power Corporation Ltd. (NEEPCO) 29.03.2016 tariko minggittam arbitral award on᷾gipako 1996 Ainni, section 34-ni ning᷾o minggittam bi᷾anirangko (application) segate ra᷾bianiko dakaha – Additional Deputy Commissioner (Judicial)-ni 27.04.2018 tariko apsan rai on᷾dimgipaniko niode nikgen minggittam bi᷾anirangko (application) jegalaha aro minggittam arbitral award on᷾gipako rakkiangaha – Bibadi - NEEPCO 1996 Ainni, section 37-ni ning᷾o High Court-ni mikkango mol᷾molaniko dake (appeal) segateaha aro apsanna 26.02.2019 tariko rai on᷾achi ra᷾chakaha aro je raikon 27.04.2018 tariko Additional Deputy Commissioner on᷾ahachim uako ra᷾gale galataha. Dukko man᷾e, Badi Ka᷾gipa Special Leave Petition-rangko (dingtangmancha chubatsranggipa kachario on᷾batgipa kacharirangni rai ba chanchiako ra᷾gataniko mamla ka᷾e bi᷾ani) dakaha jekon jegale galatako man᷾aha – SLP-rangko jegale galako man᷾ani ja᷾man, Badi Ka᷾gipa 26.02.2019 tariko High Court-ni rai on᷾anirango seanirango ong᷾gijanirangko nikna man᷾a ine a᷾selko on᷾e review petition-rangko (nipiltaichina bi᷾ani) High Court-ni mikkango segateaha – Janapgimin review petition-rangara High Court-chi 10.10.2019 tariko jegalako man᷾aha.- Mol᷾molaniko (appeal) dakanina rai on᷾ani: Ia ong᷾enggipa mamlao, High Court uni 26.02.2019 tariko rai on᷾anio Supreme Court-ni Associated Builders-na rai on᷾aoniko bakrobee janapchapaha aro bon᷾kamao krabee bon᷾ataha indake arbitral award-ko section 34-ni ning᷾o niam gita ong᷾gijaniko aro ong᷾ronggijaniko (patently illegal) nikode ra᷾gale galna man᷾a - High Court-ni nikania Supreme

Court-ni Ssangyong Engineering-na rai on˙gipa baksa apsananga - High Court-ni chanchianiko on˙ania Bill of Quantity-ni (Bosturangko aro project-ko matchotatna nangchapgipa kamrangko mesokani lekka) clause 2.7 aro 3.4-rang aro contract-na Dongimin Niamrangni clause 32(ii) (a) 33(iii)-rangko talate on˙anio darang chanchina changgipa mandeba dingtang dingtang dake bon˙atna gita man˙jawa - Mamlako ia a˙selrango chanchianiko dakangaha indake arbitral award-ko on˙ania dakna amgipako on˙ani (award) ong˙ja aro Contract-o gimik ja˙rikna nanganirangko aro dongimin niamrangko chu˙gimik poraiode Arbitrator-ni chanchianiranga ong˙na amgipa chanchiani ong˙ja – High Court-ni chanchianiko on˙anian kakket ong˙a – Uni gimin, High Court ong˙en review petition-rangko 10.10.2019 tariko ge˙etaniko on˙achi jegale galaha- Uani a˙sel, gimik Special Leave Petition-rang bon˙ate galako man˙aha.–

Ssangyong Engineering and Construction Company Limited v. National Highways Authority of India (NHAI) ***(2019) 15 SCC 131: [2019] 7 SCR 522;*** *Associate Builders v. Delhi Development Authority* ***(2015) 3 SCC 49; [2014] 13 SCR 895 – o pangchakaha****.*

Bussa Overseas and Properties Private Limited and Another v. Union of India and Another ***(2016) 4 SCC 696: [2016] 1 SCC 266;*** *Durga Shankar Mehta v. Thakur Raghuraj Singh and Others* ***[1955] 1 SCR 267;*** *Shanker Motiram Nale v. Shiolalsing Gannusing Rajput* ***(1994) 2 SCC 753;*** *Thungabhadra Industries Ltd. v. Government of Andhra Pradesh Represented by the Deputy Commissioner of Commercial Taxes, Anantapur* ***[1964] 5 SCR 174;*** *Oil & Natural Gas Corporation Ltd. V. Saw Pipes Ltd.* ***(2003) 5 SCC 705: [2003] 3 SCR 691;*** *Oil & Natural Gas Corporation Ltd. V. Western Geco International Limited* ***(2014) 9 SCC 263: [2014]***

12 SCR 1; *HRD Corporation (Marcus Oil and Chemical Division) v. GAIL (India) Limited* ***(2018) 12 SCC 471: [2017] 11 SCR 857;*** *Board of Control for Cricket in India v. Kochi Cricket Private Limited and Others* ***(2018) 6 SCC 287: [2018] 2 SCR 829 – ko janapchapaha.***

Mamlao Niamrangko Janapchapanirang

[2016] 1 SCR 266	**Para 8-ko**	**janapchapa**
[1955] 1 SCR 267	**Para 8-ko**	**janapchapa**
(1994) 2 SCC 753	**Para 8-ko**	**janapchapa**
[1964] 5 SCR 174	**Para 10-ko**	**janapchapa**
[2003] 3 SCR 691	**Para 13-ko**	**janapchapa**
[2014] 12 SCR 1	**Para 13-ko**	**janapchapa**
[2017] 11 SCR 857	**Para 13-ko**	**janapchapa**
[2019] 7 SCR 522	**Para 13-o**	**pangchaka**
[2018] 2 SCR 829	**Para 15-ko**	**janapchapa**
[2014] 13 SCR 895	**Para 17-o**	**pangchaka**

CIVIL APPELLATE JURISDICTION: Special Leave Petition (Civil) Nos. 3584-3585-ona bilsi 2020.

Meghalaya-ni Chubatgipa Kachari, Shillongo, Review Petition No.16/2019 aro MC (Review Petition) No. 14/2019 mamlarangna 10.10.2019 tariko apsan on·gipa Rai aro Ge·etanioni ong·katgipa mamla ong·a.

Un baksa

Special Leave Petition (Civil) Nos. 3438-3439, 3434-3435/2020.

Tushar Mehta, SG, Harish Salve, Neeraj Kishan Kaul, Huzeffa Ahmadi, Gitchambatgipa Ukil (Sr. Adv.), Syed Jafar Alam, Ketan Gaur, Ashish Bhan, Rajendra Dangwal, Mohit Rohatgi, Aayush Mitruka, Deepak Joshi, Ms. Liz Mathew, mamlani dolrangna mikkang pa·enggipa Ukilrang.

Ka·mao on·gipa Ge·etaniko Kachari on·aha:

G E· E T A N I

1. Ia special leave petition-rang (Indiani je kacharini rai, ge·etani ba pakwatanina mol·molaniko dakna dingtangmancha bi·ani) Meghalaya-ni Chubatgipa Kachari, Shillong-ni 10.10.2019 tariko on·gipa ra·bienggipa ge·etaoni ong·katgipa ong·a aro jechin Chubatgipa Kachari (High Court) badi ka·gipani Arbitration Appeal Nos. 3, 4 aro 5/2018-na rai aro ge·etaniko on·gipa 26.02.2019 tarikna nipiltaianiko dakchina review petition segatgipana uano nipiltaianiko dakanina mamung a·selko u·ina man·jaha aro nipiltaianina segataniko ru·ute on·aha ine ra·angna jechakaha.

2. Chinga badi ka·gipani palo mikkang pagipa Mr. Harish Salve aro Mr. Neeraj Kishan Kaul, skia man·begipa Gitchambatgipa ukilni (Senior Advocate) agananirangko knaangaha. Bibadini palo chinga Mr. Tushar Mehta, skia man·begipa Solicitor General aro Mr. Huzeffa Ahmadi, skia man·begipa Gitchambatgipa ukilni (Senior Advocate) agananirangko bakroe knaangaha aro mamlako ra·napna ra·ani somoioba knaangaha.

3. Skia man·begipa arbitrator saksan 29.03.2016 tariko Package-I holding-ni bidingo arbitral award-ko indake on·aha:-

"Kosako man·gimino pangchake, Anga man·giminoniko chanchianiona ra·bana mamung jajaani dongja indake contract-on chel·bate re·dapna nanganina gamna damrangko Bill of Quantity-ni item Nos.2.7 aro 3.4-o kosak aro kokkimao bimang rikanirangna on·aha. Chongmotan dabienggipana namnike award-ko pakwatani somoio janapanina bate chel·bate rikani bosturangko a·damoniko ra·baha. Ian dolrangni ku·rachakgimin mamla ong·enga indake dabienggipa chel·bate ra·baanina bate gamako man·na krachongmota. Da·o mingsa mangmang chanchina nangenggipa a·selara Clause 33(ii) (a) ba clause 33(iii)-o gita a·damoniko ra·bae on·anina gamna tarina dam choligipa ong·genma. Angni man·aoniko nikani gita, Anga

chel'bate gatbaanina Clause 33(ii) (a)-o pangchake bostuna (item) gamaniko dakna nanga ine chanchianiko mamung jajagijan on'a jean contract-o dongimin gita dingtange ong'achim.

Anga, uni gimin, janapanirangna indake ka'mao aganchaka:

An'cheng aro ro'ongrangko Sorkarini ra'chakgimin bikotgipa koloni (quarries) kam ka'chakram a'damona package-I kamrangko KaHEP-ni ning'o ka'atanina chel'bate gatbaanina Contract Agreement No. NEEPCO/ED/QP/C&P/R/C/KaHEP/560/2004-05 tarik 17.12.2004-ni Conditions of Contract of Book-II, Volume-I, Part-III-ni Clause 33(ii) (a)-o pangchake chanchianiko ra'anggen.

Apsan dakgipa Declaratory Arbitral Award-rangko (Parake Arbitrator-ni Chanchianiko on'gimin boksis) 29.03.2016 tariko skia man'begipa arbitrator saksanchi minggni Arbitral References-na (chanchianiko dakchina pakwatatgimin) contract-o on'gipa Package-II aro Package III project-ni bidingoba chanchianiko on'aha.

4. Bibadi- North Eastern Electric Power Corporation Ltd. (NEEPCO) Arbitration and Conciliation Act, 1996-ni Section 34-ni ning'o minggittam application-rangko segate Additional Deputy Commissioner (Judicial), Shillong-ni mikkango Package-I,II aro III-ni bidingo 29.03.2016 tariko minggittam arbitral award on'giparangko ra'bieaha. Additional Deputy Commissioner (Judicial), Ainni Section 34-ni ning'o application-rangna 27.04.2018 tariko apsan raiko on'dime jegale galataniko dakaha aro minggittam arbitral award on'giparangko rakkiangkuaha. Bibadi-NEEPCO, High Court-ni mikkango Ainni Section 37-ni ning'o minggittam Arbitration Appeal No. 3, 4 aro 5/2018-ko segate mol'molaniko (appeal) dakeaha. High Court warachakgipa dolni mol'molaniko knachake 26.02.2019 tariko apsan raiko on'dime, Additional Deputy Commissioner (Judicial)-ni apsan on'dimgipa rai 27.04.2018 tarikniko ra'gale galataha.

5. Badi Ka·gipa 26.02.2019 tariko on·dimgipa raina dukko man·e Supreme Court-ni mikkango special leave petition-rangko dake SLP (C) Nos. 13629-13631/2019 mamlako ka·eaha. Supreme Court dolgni manderangni agananirangko knae 19.07.2019 tariko ge·etaniko on·e, badi ka·gipani minggittam SLP segatgiparangna Kachari iani bidingo mamung champenganiko dakna mangsongja ine mamlako ra·chakgija bon·ate galaha.

6. Badi ka·gipa SLP-rangko ra·chakgija bon·ate galani ja·mano, High Court-ni mikkango review petition-rangko segateaha indake High Court-ni 26.02.2019 tariko on·gipa raio ong·gijaniko nikna man·aha maina uano Arbitration and Conciliation Act, 1996-na Namdapatgipa Ain (Amendment Act) , 2015-ko chanchianio ra·changaha. Janapgimin review petition (nitaipilchina bi·gipa) High Court-chi jegale galako man·aha jekon ra·bienggipa ge·etanirango nikgen.

7. Chinga iani bidingo bakrobee mamlako ra·napani somoio (admission) knaangaha aro dolrangni skia man·begipa ukilrangni agananirangkoba namedake chanchianirangko dakaha aro dolgnini rai on·anirango ga·chate agananirango aro High Court-ni 26.02.2019 tariko on·gipa raio aro gipin record-o man·anirango pangchakaha.

8. Badi Ka·gipani skia man·begipa Gitchambatgipa (Senior) ukilni jera ra·anio miksonganiara skang segatgipa SLP-na 19.07.2019 tariko jegale ge·etaniko on·ania sakkirango pangchake on·gipa ba a·selko mesoke on·gipa ge·etani ong·jani gimin review petition-ko (nipiltaichina bi·aniko) segate jegalaniko dakna man·jawachim. *Bussa Overseas*[1]-o aro *Durga Shankar Mehta*[2]-ni Constitution Bench-o chanchianiko pangchakna gita done janapaha indake A·songni Niam-bidikni article 136-o Supreme Court-na dingtangmancha bilko (special power) ba dongrikgipa bilko (residuary power) on·aha, jerangkon ramram niamrangni a·paloniko jako ra·na man·a aro jeon mamlana

[1] *Bussa Overseas and Properties Private Limited and Another v. Union of India and Another* **(2016) 4 SCC 696**
[2] *Durga Sankar Mehta v. Thakur Raghuraj Singh and Others* **(1955) 1 SCR 267**

kakket raiko man·anina Supreme Court-ni bak ra·aniko nanga. *Bussa Overseas*[3]-ni paragraph (30)-ko janape aganaha indake Supreme Court *Shanker Motiram Nale*[4]-na chanchianiko on·anio beben Code of Civil Procedure-ni Order 47-ni Rule 7-gipao pangchake kacharini review-ko jegale ge·etaniko on·gipani kosako mol·mole (appeal) bi·aniko champengoba, A·songni Niam bidik-ni Article 136-ni ning·o Code of Civil Procedure-o on·gimin niamrangko jakkalanina kachari chu·gimik bilko komiata ine ma·sina gita man·ja.

9. Mr. Tushar Mehta, skia man·begipa Solicitor General-ba *Bussa Overseas*[5]-o pangchakaha aro review-na segatgipa mamlana jegale galatgipa raini kosako mol·molaniko (appeal) dakangna man·gipa ong·ja aro indakgipa mol·molania (appeal) mongsonggipa raini kosako ka·gipa ong·ja ine rakkiaha. Uni agananiko rakkina, skia man·begipa Solicitor General paragraph (22)-ko doneaha, jekon ka·mao indake poraina man·gen:-

"22. Mijamangmangsan *Sandhya Educational Society vs. Union of India* (2014) 7 SCC 701-o, Kachari *Vinod Kapoor vs. State of Goa (*2012) 12 SCC 378 mamlana chanchie ra·gataniko janapchape indake aganaha: (SCC p. 706, para 16)

> "16. Ia Kachari *Vinod Kapoor v. State of Goa* (2012) 12 SCC 378 mamlao gadang gadang dake nianiko dakaha indake changsa special leave petition-ko segataianiko daktaigen ine bi·aniko dakgija changsa special leave petition segatgipako ra·pila ine bon·atgenchimode, High Court-ni mikkango dingtangmancha review petition-ko dakani namgni bon·ani jamano, apsanko chanchianiona ra·angna gita man·ja."

[3] *Bussa Overseas and Properties Private Limited and Another v. Union of India and Another* **(2016) 4 SCC 696**
[4] *Shanker Motiram Nale v. Shiolalsing Gannusing Rajput* **(1994) 2 SCC 753**
[5] *Bussa Overseas and Properties Private Limited and Another v. Union of India and Another* **(2016) 4 SCC 696**

10. *Durga Shanker Mehta*[6]-ni Constitution Bench-o chanchianirangko aro bang·a gipin rairangko nie, *Bussa Overseas*[7]-o, Kachari chanchianiko on·aha indake kimkim ong·anian kakketko chalaianina pangchakgipa ro·ong ong·a aro kacharirang ja·pangrangko bikote namdapate tariaha jedakode mongsonggipa raiko jegalaniko dakgija review-na on·gipa ge·etanikosa ra·biode, Supreme Court indakgipa special leave petition-ko ra·aniko dakna man·jawa. *Bussa Overseas*[8]-ni paragraph (30) aro (31)-o Supreme Court chanchianiko indake ka·mao mesoka gita on·aha.

> "30. Special leave petition-ko rakkiangna chanchianio ba uani bidingo mol·molaniko name ma·sina nanga. Beben *Shanker Motiram Nale Shiolalsing Gannusing Rajput* (1994) 2 SCC 753-na chanchianio, sakgni Bichal Ka·gipani Kachario (Bench), Code of Civil Procedure-ni Order 47-ni Rule 7-gipao kacharini review-na jegale ge·etaniko on·gipana mol·mole (appeal) bi·anina champenganiko janapomangba, A·songni Niam bidik-ni Article 136-ni ning·o Code of Civil Procedure-o on·gimin niamrangko jakkalanina kachari chu·gimik bilko komiata ine ma·siatna gita man·ja. Uko ma·sie ra·na gita nanga indake Kacharian ja·pangko bikote namdapate tariaha jedakode mongsonggipa raiko jegalaniko dakgija review-na on·gipa ge·etanikosa ra·biode, Kachari uandakgipa special leave petition-ko ra·aniko dakna man·jawa. Agangimin ja·pang bil gnanggipa ong·aha aro mongsonggipa dakmesokani ja·pang gita bilsi kolgrikrangna baten ra·aha aro an·chinga agangimin mesokanirangko ja·rikna nangani dongja ine chanchie bon·atani dongja.
>
> **"31.** Ia miksonganio, an·ching *State of A.P.* v. *A.P. Jaiswal* (2001) 1 SCC 748 mamlaoniko man·dapanina kattarangko bikotaianiko dakna man·gen, jeon sakgittam Bichal Ka·giparangni Kachario (Bench) indake nianiko on·aha: (SCC p. 761, para 24)

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[6] *Durga Shankar Mehta v. Thakur Raghuraj Singh and Others* **(1955) 1 SCR 267**
[7] *Bussa Overseas and Properties Private Limited and Another v. Union of India and Another* **(2016) 4 SCC 696**
[8] *Bussa Overseas and Properties Private Limited and Another v. Union of India and Another* **(2016) 4 SCC 696**

"24. Kimkim ong·anian kakketko chalaianio rakchakgipa noksikni ro·ong ong·a. Ia kimkim ong·anian niam gita chalaianio ka·donganiko on·a aro niamni bon·chotaniko mamung mande ra·ani dongjagenchimode ia kimkim ong·e chanchianio chu·sokna gita man·jawa. Kacharini kamrango kimkim ong·e chanchie ra·gatanirangko parakna gita, kachari ong·gimin niamrango pangchake ja·rikna bikotaha aro chanchigimin ja·pangrang (principle of stare decisis) gita ga·chatna tariaha. Ia niamrang aro niamni ja·pangranga jinmana miksongao pangchake dakgipa ong·a….." (mongsonggipa ra·chapgipa kattarangko on·ani)

Supreme Court, *Thungabhadra Industries Ltd.*[9] mamlana rai on·anio ong·gijani gnang ine chanchianiko on·aha.

11. Solicitor General aro bibadini palo mikkang pa·gipa Gitchambatgipa (Senior) ukilni janapani gita skanggipa SLP-ko bakroen knaaniko dakaha aro uni ja·mano SLP-ko mamung dondikatani a·selko nikjani gimin jegale bon·atgalaha. SLP-ko bon·atgalani ja·mano Badi Ka·gipa mamung jakgitele segataianiko dakna bi·aniko dakgija review petition-ko segataha.

12. Chingni chanchianio gita, mongsonggipa raiko ra·bie skang segatgipa SLP-rangko jegale galatani ja·mano, review-ko dake jegale ge·etaniko on·gipani kosako SLP-rangko dakgipana rakkiangna chanchianiko nanganiko nikja. A·bachengo ma·sibaani gita, ia mamlao, High Court-ni Ainni Section 37-ni ning·o rai on·aniko Supreme Court-ni mikkango ra·bianiko dakeaha aro Supreme Court dolrangni Gitchambatgipa (Senior) ukilrangni agananirangko knaani ja·mano 19.07.2019 tariko ge·etaoniko on·achi SLP-rangko jegale galataha. Jensalo skang SLP-rangko jegale galata, unon High Court-ni mikkango review petition-ko segatani cholko ra·na mamung

[9]*Thungabhadra Industries Ltd. v. Government of Andhra Pradesh Represented by the Deputy Commisssioner of Commercial Taxes. Anantapur (***1964) 5 SCR 174**

bi·ani dongja ine gisiko rakkina nanga. Haida indake ong·engnaba donga, chinga iani bidingo bang·e ra·angkuaniko dakna sikja.

13. Badi Ka·gipani palo, Mr. Harish Salve aro Mr. Neeraj Kishan Kaul, skia man·begipa Gitchambatgipa (Senior) Ukil, High Court-ni 26.02.2019 tariko rai on·gipako mongsongbate jera ra·aha indake High Court Amendment Act, 2015-na skang ong·gipa niamrango pangchake ong·gija on·aha aro High Court-ni rai on·anio record-ni mikkangon ong·gijaniko nikna man·a maina High Court chanchianio *Saw Pipes Ltd.*[10] aro *Western Geco International Limited*[11]-o pangchake on·aha jerangan Amendment Act, 2015-ko 23.10.2015 bilsio ra·gatani ja·man namgipa niamrang ong·jaha. High Court-ni 26.02.2019 tariko on·gipa raio record-ni mikkangon ong·gijaniko nikani gimin badi ka·gipani 26.02.2019 tarikni raiko review (nipiltaichina segatani)-na bi·aniara krabeani ong·a aro High Court-ni review petition-ko jegale galaniara ong·gijani ong·a ine janapaha. Badi ka·enggiparangni jera ra·anio pangchakna *HRD Corporation*[12] aro *Ssangyoung Engineering and Construction Company Limited*[13]-ko doneaha.

14. Mr.Tushar Mehta, skia man·begipa Solicitor General aro Mr. Huzeffa Ahmadi, skia man·begipa Gitchambatgipa (Senior) ukil janapaniko dakaha indake skang dakgipa SLP (C) Nos. 13629-13631/2019-ko knaani somoio, uarangko bakroen knaangaha aro pilak jera ra·anirango Section 34-na namdapatgipa (amended) niamrangni dingtanganirangkoba janapchapaha; uni ja·man mangmangsa skang dakgipa SLP-rangko jegale bon·ataha. Jegale bon·atgipa ge·etani 19.07.2019 – tarikniara beben sakkirango pangchake on·gipa ba a·selko mesoke on·gipa ge·etani ong·jagenchimoba, badi ka·gipa mongsonggipa chanchianirangko (contentious point) naataha, jekon da·o nangnikengachim aro jena ua bon·ate galako man·achim aro iani

[10] *Oil & Natural Gas Corporation Ltd. v. Saw Pipes Ltd*. **(2003) 5 SCC 705**
[11] *Oil & Natural Gas Corporation Ltd. v. Western Geco International Limited* **(2014) 9 SCC 263**
[12] *HRD Corporation (Marcus Oil and Chemical Division) v. GAIL (India) Limited* **(2018) 12 SCC 471**
[13] *Ssangyong Engineering and Construction Company Limited v. National Highways Authority of India (NHAI)***(2019) 15 SCC 131, Para No.19**

bidingo badi ka·gipako review petition-ko segate ka·dotaina on·na man·jawachim ine janapaha.

15. *Board of Control for Cricket in India*[14]-ni mamlao Supreme Court chanchianiko on·aha indake Section 34-o pangchake 23.10.2015 tarikni ja·man bi·aniko (petitions) dakgipa mamlarangna Amendment Act, 2015 nangegen (je saloni Amendment Act-ko ra·gata). Ia ong·enggipa mamlao, chongmotan, arbitral award-ko 29.03.2016 tariko on·ani ja·man, Ainni Section 34-ni ning·o Judicial Commisssioner, Shillong-ni mikkango *Board of Control for Cricket in India*[15]-na chanchianiko on·ani gita Amendment-o on·gimin niamrang nangegen ine bi·aniko segateaha.

16. Patent illegality (sorkarini dakgimin niamrang aro contract-o on·giminko dongpengani) a·selko on·e songtango on·gipa (domestic) award-ko ra·gale galaniko skanggipa *Saw Pipes Ltd*.[16]-na rai on·ao talatchengaha jeon ia Kachari songtango on·gipa (domestic) award-ko jako ra·e ka·engachim. Ia Kachari, 1996 Ainni Bak-I-ni Section 34(2)(b)(ii)-o 'Indiani mande jinmana tarigimin niam-retirang aro ja·rikna ra·gatgiminrang'-na (public policy of India) apale talatanirangko on·aha. Award on·gipa mongsonggipa dakgimin niamrangoni; ba 1996 Ainni niamrangoni; ba contract-o tik ka·giminrangoni gita dongpengani ong·genchimode "patently illegal" ong·gen ine Kachari raiko on·aha.

17. Un ja·man *Associate Builders*[17] mamlana rai on·anio, ia Kachari patent illegality-o ga·akani a·selrangko jinmana dakgipa niam-retirang aro ja·rikna ra·gatgiminrangni (public policy) ning·o a·selko ga·akate songtango on·gipa (domestic) award-ko ra·galanina chanchianiko on·aha. *Associate Builders* mamlana (janapgipa) on·gipa raini nangegipa bakko indake ka·mao poraina man·gen:-

[14] *Board of Control for Cricket in India v. Kochi Cricket Private Limited and Others* **(2018) 6 SCC 287**
[15] *Board of Control for Cricket in India v. Kochi Cricket Private* Limited and Others **(2018) 6 SCC 287**
[16] *Oil & Natural Gas Corporation Ltd. v. Saw Pipes Ltd.* **(2003) 5 SCC 705**
[17] *Associate Builders v. Delhi Development Authority* **(2015) 3 SCC 49**, paras 40 to 45.

“40. **Patent Illegality**

Da·o an·ching jinmana dakgimin niamrangni (public policy) mongsonggipa bakni brigipaona re·bana jekon patent illegality minga. Section 34(2) (b)-ni ning·o talataniko gisiko dona gita nanga indake award-ko tarianio maiba didiani ba togianina miksongani ba ku·mittu ra·anina dakode award-ara Indiani jinmana dakgimin niamrangoni (public policy of India) meligijani ong·gen. Ia a·selko on·anian gitchambatsranggipa a·selko on·ani ong·naba donga jeon England-ni kacharirang English niamni ning·o award on·anirangko ra·gale galaha. Ia a·selko on·gipa baksana (1802-o) dongdapgipa a·selara arbitrator niamko ong·gija dakgenchimode Arbitral award-ko ra·gale galna man·gen…..”

“42. 1996 Aino, iani miksongani ja·pangko ‘patent illegality’ ja·pangchi gatdapskaaha jeni ning·ni bakon chongipa bakrang minggittam gnang.

42.1 (a) India-ni mongsonggipa niamko pe·ani arbitral award-na gimaaniko ra·baa. Iani bidingo ma·sina gita nanga indake iandakgipa ong·gijaniko dakanina (illegality) mamlani ja·tingona re·angna nanga aro iako ramram dake ra·ani ong·ja. Ian changsatai Ainni Section 28(1)(a)-ko pe·a ong·a, jekon ka·mao indake poraina man·gen:-

28. Mongsonggipa golmalna jakkalna man·egipa niamrang.— (1) Indiani bakni ning·ni je biapon arbitration-ko ong·chakata,-

> (a) International commercial arbitration-na agre arbitration mamlao, arbitral tribunal (donatako man·e agangrikaniko dakdilgipa dol), arbitration-o janapgipa golmalrangko mongsonggipa niamo pangchake chanchianiko dakgen jean Indiao ua somoio jakkalgipa ong·engachim;

42.2 (b) Arbitration-ni Ainko pe·anioba patent illegality ine chanako man·gen -mesokna gita, maibakai arbitrator Ainni Section 31(3)-ko pe·e award on·anina mamung a·selrangko janapjagenchimode, uandakgipa award ra·gale galako man·na kraa.

42.3 (c) Apsan dake, patent illegality-ni chongipa bakni gittamgipara Arbitration Act-ni Section 28(3) –ko pe·chongmota ong·a, jekon indake ka·mao poraina man·gen:

28. Golmal Chongmotna nangegipa niamrang.—

(3) Gimik mamlarangon, arbitral tribunal contract-na tik ka·gimin niamrango pangchake chanchianiko ra·anggen aro dakrongenggipa kamko chalaianiko nianggen.

Ia bon·chotgipa pe·aniko caveat baksa ma·sie ra·aniko dakna nanggen. Arbitral tribunal (donatako man·e agangrikaniko dakdilgipa dol) contract-na tik ka·gimin niamrango pangchake chanchianirangko dakna nanggen, indiba, arbitrator maibakai contract-na tik ka·gimin niamrangko kraa bewalo chanchianiko on·genchimode, award-ko ia a·selrango ra·gale galna man·gen ine miksongja. Arbitrator contract-ko u·ianio darang name chanchina changgipaba krae dakna man·jawa gita agananiko on·jaskal Contract-na tik ka·e dakgimin niamrangko chanchiania arbitrator-ni mongsonggipa kaman ong·a.” (mongsonggipa ra·chapgipa kattarangko on·ani)

18. Law Commission uni 246-gipa Report[18]-o “patent illegality”o ga·akatani a·selna Ainni Section 34-o clause (2A)-ko on·jote songtango on·gipa (domestic) award-ko ra·gale galanina ra·gatchina ku·pattianiko on·aha. Law Commission-ni Report-oni nangchapgipa bakko bikote ka·mao mesokatenga:-

“Iani gimin Commission section 34 (2A)-ko on·dape chu·gimik songtango on·gipa (domestic) award-na kamrangko ka·anio jakkalna janape on·aha, jekon kachari iandakgipa award-ara “patent illegality” chi nosto ka·ako man·a ine award-ni mikkangoniko nikode uandakgipa award-ko kachari ra·gale galatna man·gen. Mamlako apsano rakkina aro agre bak nangataniko gelna, section 34 (2A)-ko niamo on·na miksonganiko talate on·aha indake uandakgipa “award-ko niamko ong·gija jakkalao mangmang ba sakkiko nipiltaianio mangmang ra·gale galna man·jawa.” Commissionni bebera·ani gita ian Judiciary-na aro gipin

[18] http://lawcommissionofindia.nic.in/reports/Report246.pdf-o man·gen

arbitrationni niamko jakkalgiparangna kenaniko komiatna chu·onggen jean kadonge aro a·songo on·gimin a·selrango pangchake niam gita chu·gimik songtango on·gipa (domestic) award-ko namedake nichina on·achim. Ian Supreme Court-ni ONGC v. Saw Pipes Ltd. (2003) 5 SCC 705 mamlana chanchisoa gita ong·gija rai on·aniko dakgalgen, jean chu·gimik songtango on·gipa (domestic) award-na miksonge on·genchimoba rasong griate minggni award international commercial arbitration-oni ong·katgipa aro un baksana foreign award-oni (a·songgipin baksa ong·gipa) ong·katgipana gita Aini kattarangko jakkale man·chapataha ……" (mongsonggipa ra·chapgipa kattarangko on·ani)

Janape on·giminrangko ra·gatna gita indake ku·pattianiko on·a:-

"(iii) Sub-section (2)-o talatani ja·mano, sub-section '(2A)-ko on·jotbo. Arbitral award jean international commercial arbitration-onina agre arbitration-oni ong·kata uko Kachari award-ni mikkango patent illegality-chi nosto ka·ako nikode ra·gale galna man·gen. Awardko ong·gija niamko jakkale ba sakkirangko nipiltaianiko dake ra·gale galaniko dakna man·jawa.'

[KAN·DIKGIPA SEANI: Janapgimin S.34 (2A)-o namen bang·gijasan domestic arbitration-oni ong·katgipa awardko ra·gale galanina a·selko pangchakna on·dapaha (indiba international commercial arbitration-na ong·ja). Nipiltaiani kamko dakania Supreme Court-ni ONGC Ltd. v. Saw Pipes Ltd., (2003) 5 SCC 705 mamlao patent illegality-na tik ka·e on·gimino pangchaka. Tik ka·e on·gipa aino dingtangmancha ainko ong·gija jakkalanina aro sakkirangko nipiltaianio awardko ra·gale galanina pangchakaniko dakjana tariaha.]" (mongsonggipa ra·chapgipa kattarangko on·ani)

19. Law Commission-ni ku·pattianiko ra·ani gita, 1996 Ain-ko 2016 bilsio 3-gipa Ainchi (Act 3) namdapataniko (amended) dakaha, jean 23.10.2015-oni dipet ra·gatako man·aha. Songtango on·gipa (domestic) award-ko "Patent illegality" –o pangchake ra·gale galanina 1996-ni Ainni Section 34(2A)-o bilko on·aha. Indiao ong·enggipa international commercial arbitration-na "patent illegality"o ga·akani a·selko janapaniko dakna man·jawa. A·songgipino on·gipa (foreign) award New York Convention-ni ning·ona mangba "patent illegality"o ga·akani

a·selko jakkale champengna naatna gita man·jawa maina 1996 Ainni Section 48-o iano ga·akani a·selko janapani dongja. Section 34-ni gitalgipa sub-section (2A)-ko on·jotaniko indake ka·mao poraina man·gen:-

> "(2A) Arbitral award jean international commercial arbitrations-na agre arbitration-rangoni ong·katachim, uko Kachari awardni mikkango patent illegality-chi nosto ka·ako nikgenchimode ra·gale galatna gitaba man·a:
>
> Award-ko niamko ong·gija jakkalanio ba sakkirangko nipiltaianio mangmang ra·gale galaniko dakna man·jawa."

20. *Ssangyong Engineering and Construction Company Limited*[19] mamlao, ia Kachari Mol·molenggipa-company jean a·songgipin Koreani niamni ning·o bimung segatgipa aro Warachakenggipa dol Indiani Sorkarini kamna rakkiako man·gipani gisepgriko international commercial arbitration-o award on·gipani bidingo ra·bianiko chanchianiona ra·aha. Raini paragraph (19)-gipao, ia Kachari *Saw Pipes* (janapgimino) aro *Western Geco International Limited*[20] mamlarango "India-o mande jinmana dakgipa niamrang"-ni (public policy) bidingo apale talataniko nikaha jerangkon bon·atgale gitalgipa "patent illegality"-o ga·akani a·selko pangchakna ra·gataha aro jerangan Section 34-ni ning·o 23.10.2015 salo segatgipa application aro un ja·man on·gipana jakkalna nangegenchim. Raini paragraph (36) aro (37)-o ia Kachari chanchianiko on·aha indake songtango on·gipa (domestic) award-ni bidingo patent illegality-o ga·akanina on·dapgipa daode Section 34-ni sub-section (2A)-o dongaha. Indioba, award-ni mikkangoniko sakkirangko nipiltaianiko dakna "patent illegality"ni a·selni ning·o on·ja.

21. *Ssangyong Engineering* (janapgimin)-ni paragraph (39) aro (40)-o, Kachari, *Associate Builders* (janapgimin)-ni paragraph (42.2) aro (42.3)-rangko janaptaitaiaha jeon contract-o tarigimin seaniranga arbitrator-ni skanggipa chanchina nangani ong·a, maibakai arbitrator, contract-ko dingtang dake ma·sie talatjaskal aro jena darang name chanchina

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[19] *Ssangyong Engineering and Construction Company Limited v. National Highways Authority of India (NHAI)* **(2019) 15 SCC 131**

[20] *Oil & Natural Gas Corporation Ltd. v. Western Geco International Limited* **(2014) 9 SCC 263**

changgipaba chanchianiko on·na man·ja gita janapjaskal ba iani miksongania maibakai arbitratrator-ni chanchianiko on·ania dakna amgipa chanchiani ong·jaskal unin kam ong·a ine raiko on·aha. Paragraph (39) aro (40)-rango, Supreme Court ka·mao indake chanchianirangko on·aha:-

> **"39**. *Associate Builders v. Delhi Development Authority* (2015) 3 SCC 49-ni para 42.1-ko rongtale talatna, chongmotan, Indiani mongsonggipa niamko pe·ani mangmango arbitral awardko ra·gale galanina an·tangarin a·selko on·na man·jaha. *Associate Builders v. Delhi Development Authority* (2015) 3 SCC 49-ni para 42.2 indiomangba dongkugen, maibakai arbitrator award-na mamung a·selrangko janapgija 1996 Ainni Section 31(3)-ko pe·ode uan award-ni mikkango patent illegality ga·akgen.
>
> **40**. Section 28(3)-o Ainchi Namdapataniko (Amendment Act) on·e dingtangania, *Asscociate Builders v. Delhi Development Authority* (2015) 3 SCC 49-ni para 42.3-oni 45-ona agananiko ja·rikchongmotaha, mongsongbate, contract-o tarigimin seaniranga (terms) arbitrator-ni mongsonggipa chanchiani ong·a, maibakai arbitrator, contract-ko dingtang dake ma·sie darang name chanchina changgipaba chanchianiko on·na amja gita janapaniko on·jaskal; kan·dike agangenchimode, arbitratrator-ni chanchianiko on·ania dakna amgipa chanchianiko on·ani ong·jagenchimode un kam ong·a. Unbaksana, maibakai arbitrator contract-ni apalona re·ange an·tangna tikatgimin kam ong·gijako ka·ode, ua an·tangni dakna man·ani arioni ong·gijako daka ga·aka. Ia a·selko ra·bianio pangchakanina da·o gital pangchakaniko on·dapgipa Section 34(2-A)-ni ning·o ga·akgen." (mongsonggipa ra·chapgipa kattarangko on·ani)

22. Da·o ong·enggipa mamlara an·tangtang kamko chalaianina Indiao bikotgipa dolgnini gisepgriko songtango on·gipa (domestic) award-oni ong·katgipa ong·a. Arbitrator-ni chanchianiko ra·gatanirang maibakai dakchakaniko on·ja ong·ode, ba, ja·pang gri darang chanchina changgipa mandeni apsan chanchiani gita ong·jagenchimode; ba contract-ko tariania darang chanchina changgipa mandeni ra·chakani ong·jagenchimode; ba arbitrator-ni

chanchianiko on·ania dakna amgipa chanchianiko on·ani ong·jagenchimode; Patent illegality a·selo pangchake domestic award-ko ra·gale galna niamrangni ning·o gnang.

23. Ong·enggipa mamlao, High Court *Associated Builders* (janapgimino)-ni raiko 26.02.2019 tariko on·gipa raini paragraph (42)-o bakroe janapchapaha aro ong·en bon·ataniko on·aha indake arbitral award-ara patently illegal ba dakchakaniko on·gipa ong·jagenchimode Section 34-ni ning·o ra·gale galna man·a. High Court-ni chanchie man·ania *Ssangyong Engineering* (janapgimino) –na ia Kacharini rai on·gipani paragraph (40) baksa apsana.

24. Ong·enggipa mamlana, High Court raini paragraph (51)-o chanchianiko on·aha indake darang chanchina changgipa mande BoQ-ni Clause 2.7 aro 3.4 aro Contract-o Dongimin niamrangni Clause 32(ii)(a) aro 33(iii)-ko talatanio dingtang dingtang dake bon·atna man·jawachim. Kosako mesokgipa clause-rangko gipin dake pe·anirangko dakgenchimode ian pangchakani grigipa aro gimik chanchianirangko ja·rikgijagipa ong·gen. Nangchapgipa bakrangko ra·aniko indake poraina man·gen:-

> "**51**….Clause 33(iii)-o dingtangmancha talataniko on·a indake "Maibakai uandakgipa kamko ka·atanina Clause 33 (ii)-o janapani gita damko tik ka·na man·jagenchimode, uandakgipa kamna damko tik ka·aniko Engineer-in-Charge chongmot damo pangchake aro damrangko nigrike ka·gen aro uandakgipa damrangni dingtanganiko dakna nang chongmotaniko chanchie sub-clause-o janapani gita, ka·mao agana gita gamaniko dakna nanggen……". Chinga kimkim ong·e chanchianiko on·a indake BoQ-ni Clause 2.7 aro 3.4 aro Contract-na Dongimin niamrangni Clause-rang 32(ii)(a) aro 33(iii)-na ian ong·na amgipa pe·aniko on·ani ong·gen. Darang chanchina changgipa mandeba BoQ-ni Clause 2.7 aro 3.4 aro Contract-na Dongimin niamrangni Clause 32(ii)(a) aro 33(iii)-ko pe·anio dingtang dingtang dake bon·ataniko on·na man·jawa. Kosako mesokgipa clause-rangko minggipin dake pe·anirangko on·genchimode ian mamung pangchakani donggijagipa aro gimik chanchianirangko ja·rikgijagipa ong·gen." (mongsonggipa ra·chapgipa kattarangko on·ani)

25. High Court paragraph (52)-o ma·siaona re·baaha indake award-ara name chanchiani donggijagipa aro namgijako dakani gnanggipa ong·aha aro indake ka·mao raiko on·aha:-

> “52. Arbitral award-rang aro skia man·begipa Arbitrator-ni am·e man·e on·ani gita namgijako dakanirang gnang. Skia man·begipa Arbitrator chanchianiko ra·anio dingtang dingtang nangbregijagipa a·selrangkosa niaha aro tender lekkarangni mongsonggipa clauserangko galchangaha jekai BoQ-ni clause 2 aro bang·bea Sub-clauserang jean Sub-clauserang 2.1-oni 2.8.7-ona Clause 2-ni ning·o ong·a, aro Clause 3 aro bang·bea Sub-Clauserang jean Sub-clause 3.1-oni 3.7-ona Clause 3-ni ning·oni ong·a, Clause 2 aro bang·bea Sub-clauserang jean Sub-clause 2.1-oni 2.17.7-ona Clause 2-ni ning·o ong·a aro Clause 3 aro bang·bea Sub-clauserang jean Sub-clause 3.1-oni 3.10.5-ona Clause 3-ni ning·o “Particular Technical Specifications” (Kam ka·ani bidingo dingtangmancha tale see on·ani) -ni, Vol. 2, Part II-o ong·a). Skia man·begipa Arbitrator nangbregijagipa a·selrangko ua somoio gamaniko (provisional payment) chanchianiona ra·aha indake a·bachengo 3.0 km chel·ako re·baanina katianiko dakaha aro ian BoQ-ni Clause 2.7 aro 3.4-ko jakkalna man·kuaniko mesoka. Ua somoio gamaniko (Provisional payment) dakaniara dikdiksana tik ka·e gamchenganisan ong·aia aro 07.12.2012 aro 08.12.2012 tarikrangni meetingrangona skangsa ong·aha jeon dingtangmancha dolrangni gisepgriko HoP, NEEPCO golmalko arbitration-ona watatna ja·ku ra·aniko dakgen aro arbitral awardko on·kujana kingking gamaniko ong·enggipa damo mamung tangdoataniko dakgija gamgen aro bon·kamgipa an·cheng aro ro·ongrangko salruraanina gamaniko arbitral awardko ra·gatmano gamgen ine ku·monggrikaniko ra·aha. Uandake chongmotan a·bachengo 3.0 km chel·ako ra·banina katie ua somoio gamaniko (provisional payment) dakaniko mamlana chanchiania nangbregijagipa ong·a. Skia man·begipa Arbitrator-ni man·ani gita chanchianiko ra·e bon·atania nangbregijagipa a·selrangkosa nie ra·aha aro mongsonggipa clauserangko galchangaha, indake ia apsanan name chanchiani

donggijagipa aro namgijako dakani gnangani ong·aha. An·ching gisiko donna gita nanga indake sing·enggipa Arbitral Award-ranga Declaratory (Parakna nanggipa) Arbitral Awardrang ong·a aro BoQ-o donggipa Clause 2.7 aro 3.4 aro Contract-na Dongimin niamni Clause 32 (ii)(a) aro 33 (iii) –ko talatanio nangchongmota aro skia man·begipa arbitrator apsanko talatanio dongimin niamo pangchake talatna nangao ga·aka. Skia man·begipa Additional Deputy Commissioner-ni skia man·begipa Arbitrator-ni Arbitral Awardko nianiko dake apsanko rakkipiltaiania apsan chu·onggijani gnanganiko nikna man·a. Uni gimin, chinga, chanchianiko on·a indake Additional Deputy Commissioner (Judicial), Shillong-ni Arbitration Case No. 5 (T) 2016, Arbitration Case No.6 (T) 2016 aro Arbitration Case No.7 (T) 2016 mamlarangna apsan nangdime ge·etaniko on·gipa tarik 27.04.2018 baksana ming 3 (gittam) skia man·begipa Arbitrator-ni 29.03.2016 tariko on·gipa Arbitral Award-rangna ia appeal-rango Arbitration and Conciliation Act, 1996-ni Sec.37-ni ning·o dakanganiko dondikatna nangao ga·aka.

53. Skia man·begipa Additional Deputy Commissioner (Judicial), Shillong-ni 27.04.2018 tariko on·gipa ge·etaniko aro skia man·begipa Abitrator-ni 29.03.2016 tariko on·gipa Arbitral Award-ko dondikatanio minggipin a·selrang dongchapa. Mol·molaniko dakenggipa ukilni janapani gita, Arbitral Award-ni jinmani tangka paisao nangeaniara (public exchequer) mol·molenggipa jean sorkarini tangka paisako chalaigipao ga·akea, an·cheng aro dal·dalgipa ro·ongrangko truck ge·antio cubic metre 10 gatbaanina (km 100 chel·e songreanina) tangka Lakh 3.56-ko gamna nangegen aro chu·gimik gamna nanganide uan 1,000 Crore-rang ga·akegen. Chinga chanchianiko on·enga indake truck prako (Cubic Metre 10) an·cheng aro dal·dalgipa ro·ongna (100 km chel·e songreanina) tangka Lakh 3.56-ko gamaniara namen kragija man·dapaniko dakani kam ong·chongmota jean Fundamental Policy of Indian Law-oni namen bikpilgipa ong·a. Fundamental Policy of Indian Law-oni bikpil ong·e kragija man·dapaniko dakanian Arbitral Award-ko Ainni Sec. 34 (2)—o pangchake

dondikatanina aˑselko onˑani ongˑa. Bombay High Court, *Angerlehner Structural and Civil Engineering co. v. Municipal Corporation of Greater Mumbai*-o jinmani tangka paisana gimaaniko raˑbae dolrangni kragija manˑdapanirangko dakaniara fundamental policy of Indian law-ni kosako reˑani ongˑa ine raˑchakaha. Bombay High Court chanchianiko onˑaha:-

> “Maibakai Contractorrangni jera raˑaniko raˑchakode, uamangna manˑna nanganina bate kragija manˑdapaniko onˑgen. Uandakgipa chuˑgimik kragija manˑdapaniko dakania aro uaba sorkarini dongimin tanga paisana gimaaniko raˑbania fundamental policy of Indian law-ni ningˑo mitchiani kamko kaˑani ongˑa. AJECT-o award onˑani, jeon kragija manˑdapanirangko dakna onˑa uaba nosto kaˑa manˑao gaˑaka maina ua fundamental policy of Indian Law-ni kosako reˑani ongˑa.”

Chingni chanchianiko raˑengani gitaba Arbitral Award jean bibadina kragija dake tangka gong 1,000 Crore-rangona kingking manˑdapanirangko onˑani ongˑgenchim uan fundamental policy of Indian Law-ni kosako reˑani onga. Uni gimin, ia kachario champengataniko onˑna nangchongmotani ongˑa.

Beben ia kachari arbitral tribunal-ni awardna appeal-o asonganiko dakjaoba, Ainni Section 34[2]-ni ningˑo aˑselrangko mesokanirang ia kachariko iani bidingo chuˑongnikate champenganiko nangnikataha maina Arbitral Award jekon miksongengachim uan Declaratory Arbitral Award-rang ongˑa aro BoQ-ni Clause 2.7 aro 3.4 aro Contract-na Dongimin Niamrangni Clauserang 32 (ii)(a) aro 33(iii)-ko talataniko nangchongmota aro apsankon skia manˑbegipa Arbitrator dongimin niamrang gita aro fundamental policy of Indian Law-o pangchake talataniko onˑna nanga.”

(mongsonggipa raˑchapgipa kattarangko onˑani)

26. High Court raini paragraph (44)-o bang·bea rai on·anirangko janapchapgenchimoba, *western Geco* (janapbagimin)-koba man·chapate [jean da·o namgipa niam ong·jahachim], mamlana chanchianio arbitral award-ara ra·chakna kragijagipa ong·a aro contract-ni gimik terms aro conditionrangko poraianioba Arbitrator-ni chanchianiko ra·ania dakna amgipa chanchiani ong·ja ine a·selko on·aha. High Court *Associate Builders* (janapgimin)-ni paragraph (42.3)-o nianiko dake on·ani gita ong·en ja·rikaha, jerangkon *Ssangyong Engineering*-ni raini paragraph (40)-o janaptaiaha.

27. Chingni nikani gita, Ainni Section 37-ni ning·o mol·mole bi·aniko (appeal) jako ra·anio, High Court iani bidingo bakrobee chanchianiko dakangaha aro contract-o tik ka·aniko (terms) talatanio darang chanchina changgipa mandeba dingtang dingtang dake chanchie bon·atna gita man·jawa aro indake award-rang jekon arbitrator on·ahachim uarang orto donggijagipa aro namgijaona ong·atgipa ong·a ine raiko on·aha.

28. Skia man·begipa Solicitor General Mr. Tushar Mehta aro Mr.H. Ahmadi, bibadini Gitchambatgipa Ukil (Senior Advocate), jensalo 26.02.2019 tarikni mongsonggipa Raiko ra·biaha unon iarangni golmalko a·bachengon janapaniko dakaha ine aganaha. Aganenggipa ra·bianiko Ge·etani 19.07.2019 tariko nikani gita ia Kacharichi skang on·gipa SLP-rangko jegale galaha. High Court jekon ong·nike ra·gale galachim da·o uani bidingo apsan a·selrangko on·e review petition-ko segate kulianiko daktaipilna man·jawaha. Badi ka·gipa 26.02.2019 tariko on·gipa raioniko mamung ong·gijaniko mesokna gita man·jaha. High Court mongsonggipa ra·bigipa ge·etani 10.10.2019 tarikniko ong·en review petitionrangko ra·gale galaha aro chinga mongsonggipa ge·etanina champenganiko on·na mamung namgipa a·selrangko nikjaha.

29. Iana bon·atanio, gimik special leave petitionrangko mamung gamatani gri jegale galaha.