

BEFORE JUSTICE R.C. LAHOTI (Fr. CJI)  
SOLE ARBITRATOR

IN THE MATTER OF ARBITRATION

BETWEEN

M/s HCL Infosystems Ltd.  
And  
The Government of NCT

..... Claimant

..... Respondent

Presence:

For Claimant

Mr. V.N. Koura, Advocate  
Mr. S. Sirish Kumar, Advocate

In Person

Mr. Malay Tandon, General Manager  
Mr. Ashish Sharma, Sr. Executive, Legal

For Respondent

Mr. Sushil Dutt Salwan, Advocate  
Ms. Latika Dutta, Advocate  
Ms. Divya Pratap, Advocate

In Person

Mr. R.K. Singh, GM, TCIL  
Mr. Vivek Mittal, Dy. Secy (I.T.)  
Mr. Santulan Chaubey, SA  
Mr. Ramesh Purohit, DIT, GNCTD  
Mr. Ashish Pankholi, Dy. Manager, TCIL

Procedural Order No. 7

with

Record of Proceedings held on May 20, 2014  
(from 5.00 pm to 7.00 pm at IIC)

Filing of Pleadings and Papers:

On behalf of the Claimant, a Note dated 19-05-2014 is filed setting out updated status of the case.

On behalf of the Respondent, Counter Claim is filed. Claimant seeks time of eight weeks for filing reply to CC. Let it be done on or before 16.07.2014.

Within two weeks thereafter i.e. on or before 31.07.2014, the Ld. Counsel for the parties are requested to hold a brief meeting to settle an agreed list of disputes / points for determination arising for adjudication in the main case.

Interim Directions:

On 12.03.2014, the Tribunal had issued directions in the matter of interim payment / settlement of claims without prejudice to the contentions of either party. It is reported that **Directions No. 1 & 2** have been complied with. There may have been a marginal delay in compliance. It is condoned.

**Direction No. 3** has not been complied with. On Respondent's prayer, *one week's time* is granted for compliance which shall be done in letter and spirit, positively.

On 31.05.2014 the 9<sup>th</sup> quarter will come to an end. The Claimant shall raise the bill and submit to the Respondent which shall be settled within a period of 30 days from the date of submissions of the bill. The amount released shall be accompanied by an explanatory note as to how the Respondents have arrived at the figure of the amount released.

Mr. S.K. Singh points out that in some of the areas either the signals are not being received or, if received, the quality is poor, making communication difficult. On behalf of the Claimant it was pointed out that this is because of some high rise buildings intervening between the concerned area and the tower which is lower in height than the intervening buildings. It appears that raising of the height of the towers or installing independent new and high towers is a proposition which seems to be economically not viable apart from being difficult to implement, in the submission of the Claimant.

After discussions it was agreed that some of the issues which can be sorted out shall be tried to be so done by improving the services of the Claimant. As to such of the issues which appear to be technically not capable of resolution, the parties would try to resolve them by suitably revising the relevant terms of Service Level Agreement (SLA). The parties are agreeable to carry out a joint survey of the areas where the signals are stated to be not reaching or are poor in quality. The joint survey may also include such further areas as may be identified by the Respondents so as to avail such data as would enable finding out of a workable solution for both the parties.

First such meeting shall be held in the office of OCC on **Thursday, 22.05.2014 at 11.00 am**. Both the parties shall nominate the representatives be present and participate in such meeting. They would work out the modalities of joint survey.

**Next date of Hearing:**

The Tribunal shall assemble on **11.08.2014 at 4.30 pm** for the purpose of settling the disputes / points for determination and issuing further directions.

Before parting, the Tribunal records its appreciation of all the parties present and represented for their positive approach, co-operation and very reasonable stand taken, by each one of them, on account of which the Tribunal is encouraged to hope and observe that the parties may in between arrive at mutual resolution of their disputes, which *prima facie* do not appear to be beyond resolution. Such resolution shall also be in public interest apart from being in the commercial interest of the Claimant and of efficiency of the departments of the Respondent.

( R. C. Lahoti )  
Sole Arbitrator  
20-05-2014