

S/L 18
13.07.2026
Court. No. 25
Sourav

WPA 10504 of 2026

**M/s. Adhunik Infrastructures Private Limited & Anr.
Vs.
Union of India & Ors.**

Ms. Rishika Goyal

...for the petitioners.

*Mr. Amit Kumar Nag
Mr. Swarajit Dey
Ms. Rishita Sarkar*

...for the respondent nos. 2 to 6.

Mr. Narendra Prasad Gupta

...for the Union of India.

1. The petitioner has filed the present writ application only with the ground that as per the terms and conditions of Clause 25.1.2, if any dispute, difference, question or disagreement arises between the parties or their respective representatives or assignees, in connection with construction, meaning, operation, effect, interpretation of the contract or breach thereof which parties are unable to settle mutually, the same may be first be referred to the conciliation through Outside Expert Committee (OEC) to be constituted by CMD, ONGC as provided hereunder. Clause 25.1.3 provides that the conciliation through OEC will be restored in cases involving disputed amount upto Rs. 250 crores only. The disputed amount will be calculated by considering the amount of claim and counter-claim of the parties.
2. The petitioner has made a request for sending the matter to the OEC but the ONGC by a communication dated February 16, 2026, rejected the request of the petitioner for sending the matter to the OEC on the ground that the total claim of the petitioner is Rs. 2,13,31,40,869/-and the

said amount related to the price escalation, additional expenses during the extended period and payments for extra/substituted items, are beyond the scope of the contract's terms and conditions. These claims do not align with any contractual provisions.

3. Learned counsel for the respondent no. 2 submits that clause is not mandatory and as such, the respondents have passed the order without referring the matter to the OEC.
4. This Court fails to appreciate that if in the contract there is a provision of conciliation and as per Clause 25.01.3, the conciliation through OEC will be restored in cases involving disputed amount upto Rs. 250 crores, the respondent authorities ought to have referred the matter to OEC but instead have decided the issue themselves. Accordingly, the communication dated February 16, 2026 is set aside and quashed.
5. The respondent no. 6 is directed to immediately refer the matter to the OEC in terms of Clause 25.1.3 for taking decision by the OEC within a period of four weeks from the date of receipt of this order.
6. **WPA 10504 of 2026** is disposed of.
7. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Krishna Rao, J.)