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Item No. 7

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

Arb.P.(J2) No. 1 of 2026

M/S Progressive Construction Limited, having its head office of the Petitioner is at 7th Floor, Raghava North Block, Raghav Ratna Towers, Chirag Ali Lane, Hyderabad – 500001 represented by its authorized signatory namely Venu Thottempudi, aged about 56 years, S/o Sri. T.V. Subba Rao, R/o H304, Myhome Bhooja Apartments, Gachibowli, Hyderabad, Telangana- 500032.

Petitioner

Vrs.

1. The State of Manipur represented by the Commissioner cum Secretary, sWater Resources Department, Government of Manipur, New Secretariat Building, Mantripukhri, P.O. Mantripukhri & P.S. Heingang, Imphal East District – Pin No. 795002.
2. The Chief Engineer, Water Resources Department, Government of Manipur, Manipur, PWD Complex, Khuyathong, Imphal – 795001.
3. The Executive Engineer, Thoubal Project Division No. 1, Water Resources Department, Government of Manipur, Imphal – 795001.

Respondent/s

BEFORE

HON'BLE THE CHIEF JUSTICE MR. M. SUNDAR

For petitioner	Mr. Ch. Momon, Advocate along with Mr. P. Mohith Reddy, Advocate.
For respondent Nos. 1, 2 & 3	Mr. Phungyo Zingkhai and Mr. H. Dimal Kumar, State counsel lead by Advocate General Mr. Lenin Singh Hijam and Senior Counsel Mr. Athouba Khaidem.
Date of Judgment & Order	12.06.2026

JUDGMENT AND ORDER
(ORAL)

12.06.2026

[1] In the hearing today, Mr. Ch. Momon and Mr. P. Mohith Reddy, learned counsel on record for the petitioner Company and Mr. Lenin Hijam, learned Senior Counsel and learned Advocate General for the State of Manipur and Mr. Athouba Khaidem, learned Senior Advocate instructed by Mr. H. Dimal Kumar and Mr. Phungyo Zingkhai, learned State counsel for all the 3(three) respondents are before this Court (physical Court). To be noted, all three respondents shall be collectively referred to as 'State' for the sake of clarity and convenience.

[2] As regards the petitioner, Mr. Venu Thottempudi, authorized representative of petitioner/Company who has verified and signed the pleadings in the captioned petition, inter alia on the strength of a General Power of Attorney dated 30th August 2023 signed by the Managing Director of the petitioner/Company is before this Court on the Video Conferencing (V.C.) platform.

[3] As regards the respondents, Mr. Lunminthang Telien Kom, Executive Engineer, Thoubal Project Division-I and Mr. Nameirakpam Bhogen Singh, Junior Engineer, Thoubal Project Division- I are present in Court (physical Court) instructing Mr. H. Dimal Kumar and Mr. Phungyo Zingkhai, learned State counsel.

[4] All the afore-referred counsel on both sides, on instructions from the parties instructing them, submitted in one voice that the petitioner and State have arrived at a consensus and requested this Court to dispose of the captioned arbitration petition by way of a consent order.

[5] In the light of the consensus adverted to supra and as the captioned matter is now going to be disposed of by way of a consent order (instant order), it will suffice to set out bare minimum facts which are imperative for appreciating instant order. Suffice to write that captioned petition has been presented in this Court on 30.03.2026 inter alia under Sections 11(6), 14 & 15 of the 'Arbitration and Conciliation Act, 1996 (26 of 1996)' {'A&C Act' for the sake of brevity and convenience} with prayers for termination of mandate of a 'sole Arbitrator' ('Mr. Th. Joykumar Singh'), substitution of the sole Arbitrator/appointment of an Arbitrator. Post presentation of captioned petition in this Court, Mr. Th. Joykumar Singh, sole Arbitrator has sent to the petitioner an arbitral Award dated 25.03.2026. Learned counsel for petitioner and learned authorized signatory for petitioner/Company confirm receipt of the arbitral Award on 02.06.2026. As regards the State (to be noted, the '3(three) respondents' are being collectively referred to as 'State' in this order for the sake of convenience as already alluded to elsewhere supra in this order), this Court is informed that State received the arbitral Award earlier on 26.03.2026. However, in view of the facts and circumstances of the case, owing to various aspects of the matter including an issue touching upon compliance qua Section 31(5) of A&C Act both sides have agreed to have this 25.03.2026 Award

made by Mr. Th. Joykumar Singh set aside (without expression of any view or opinion on merits) and resort to de-novo arbitration by a sole Arbitrator who has also been agreed upon by both sides by consent. The sole Arbitrator who has now been agreed upon by both sides i.e., petitioner/Company and State is Hon'ble Mr. Justice D. Krishnakumar, Former Chief Justice of Manipur High Court [Phone No.: 044-24612774(Office), 044-24512797 (Residence), +91 9444019394 (Mobile), e-mail: justicekrishnakumar@gmail.com, Office Address: L82, 10th West Street, Kamaraj Nagar Thiruvannamiyur, Chennai – 600 041 and Residential Address: 13/7 12 East Street Kamaraj Nagar Thiruvannamiyur, Chennai 41].

[6] In view of the consensus that has been arrived at, learned counsel on record on both sides before this Court have made a joint endorsement in the case file and a scanned reproduction of the same is as follows:

It is agreeable for the petitioner if this Hon'ble Court sets aside the award dated 25/03/2026 passed by Id. Sole-Arbitrator Mr. Joy Kumar and consequently for appointment of Hon'ble Chief Justice (Retd.) Mr. D. Krishnakumar as the Substitute Arbitrator.

Hon'ble J. S. J.
Ch. H. S. J.
12/10/26

Consent awarded,
Dinakar Kumar Haslam
(Sole Arbitrator to H. S. J., Manipal)
12/June/2026.

[7] Before writing the operative portion of instant order, this Court deems it appropriate to record its appreciation for the fair stand taken by both sides i.e., Mr. Lenin Singh Hijam, learned Advocate General for State of Manipur and Mr. Athouba Khaidem, learned Senior Advocate appearing

for Mr. H. Dimal Kumar and Mr. Phungyo Zingkhai, learned State counsel for all the 3(three) respondents (State) instructed by Mr. Lunminthang Telien Kom, Executive Engineer, Thoubal Project Division-I and Mr. Nameirakpam Bhogen Singh, Junior Engineer, Thoubal Project Division- I; and Mr. Ch. Momon and Mr. P. Mohith Reddy, learned counsel on record for the petitioner company instructed by Mr. Venu Thottempudi authorized representative of petitioner company. As regards consent for this order qua State learned Advocate General submits on instructions inter-alia from Chief Secretary and all concerned that State consents for this order and this statement made by the learned first law officer is recorded.

[8] Ergo, the sequitur is, the following consent order is made:

- i) Arbitral Award dated 25.03.2026 qua Name of Work: Thoubal Multipurpose Project (SH: Construction of Earth Dam), Agreement No.: TPD-I/Agree/89-90/12 for 1989-90 dated 07.12.1989 made by Mr. Th. Joykumar Singh, sole Arbitrator in Arbitration Case No. 1 of 2018 is set-aside;
- ii) The Arbitral Award is set-aside without expression of any view or opinion on merits by consent for the purpose of facilitating de- novo arbitration;
- iii) Hon'ble Mr. Justice D. Krishnakumar, Former Chief Justice of Manipur High Court [Phone No.: 044-24612774(Office), 044-24512797 (Residence), +91 9444019394 (Mobile), e-mail: justicekrishnakumar@gmail.com, Office Address: L82, 10th West Street, Kamaraj Nagar, Thiruvananthapuram, Chennai – 600 041 and Residential Address: 13/7 12 East Street Kamaraj Nagar Thiruvananthapuram, Chennai 41] is appointed (by consent of both sides) as sole Arbitrator and substituted in place of Mr. Th. Joykumar Singh and Hon'ble

Arbitrator now appointed is requested to enter upon arbitration/reference qua Name of Work: Thoubal Multipurpose Project (SH: Construction of Earth Dam), Agreement No.: TPD-I/Agree/89-90/12 for 1989-90 dated 07.12.1989, conduct arbitration proceedings and render an arbitral award;

- iv) Both sides also agreed that the sole Arbitrator now appointed viz., Hon'ble Mr. Justice D. Krishnakumar, Former Chief Justice of Manipur High Court will proceed based on the pleadings which have already been completed before erstwhile Arbitrator viz., Th. Joykumar Singh. To add specificity, it is made clear that Hon'ble Arbitrator, now appointed, shall proceed from the framing of issues/admission & denial stage;
- v) Hon'ble Arbitrator now appointed i.e., Hon'ble Mr. Justice D. Krishnakumar, Former Chief Justice of Manipur High Court shall be governed by Schedule IV of the A&C Act as regards fee of Arbitral Tribunal;
- vi) The other expenses of the Arbitral Tribunal such as travel, lodging and hotel, secretarial assistance etc., shall be borne by both sides i.e., petitioner and State in equal moieties;
- vii) In the light of the previous sub paragraphs of this operating portion of the order, though obvious, it is made clear that the mandate of erstwhile Arbitrator viz., Mr. Th. Joykumar Singh, stands terminated;
- viii) This Court directs Mr. Th. Joykumar Singh, Address: Uripok Yambem Leikai, Lane No. 6, Imphal – 795001, Manipur, Phone No.: +91 9436021737, to hand over the entire records of the Arbitral Tribunal including the arbitral proceedings thus far to learned State counsel Mr. Phungyo Zingkhai and Mr. H. Dimal Kumar and learned State

counsel submit that they would hand over the entire arbitral records to the Hon'ble Arbitrator substituted/now appointed i.e., Hon'ble Mr. Justice D. Krishnakumar, Former Chief Justice of Manipur High Court under due intimation to Mr. Ch. Momon and Mr. P. Mohith Reddy, learned counsel on record for petitioner.

[9] Captioned Arbitration Petition is disposed of vide instant consent order in the aforesaid manner. There shall be no order as to costs.

CHIEF JUSTICE

Indrajeet

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