

*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Reserve: 17.4.2009
Date of Order: April 21, 2009

OMP No. 25/2009
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21.4.2009

M/s Sanjeev Kumar & Bros. ... Petitioners
Through: Mr. Gurender Pal Singh, Advocate

Versus

M.C.D. & Anr. ... **Respondents**
Through: Mr. Ravi Bassi, Advocate

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

ORDER

By this application/petition under Section 9 of the Arbitration & Conciliation Act, 1996, the petitioner has made a prayer that the Court should stay the operation of action which may be taken by the respondent as contemplated in letter dated 4th December, 2008 and the Court should issue directions to the respondent not to delist or debar or blacklist the petitioner from carrying out any work of the respondent.

2. Brief facts relevant for the purpose of deciding this application/petition are that the petitioner entered into a contract with the respondent in respect of road work. The respondent issued a letter dated 4th December, 2008 to the petitioner to the following effect:

The above said work was awarded to you vide w.o. no. E.E.(Pr.)WZ/2003-04/13/180 dated 8.1.2004 with a stipulated period of completion as six months. It has been pointed out that the remaining work of providing and laying Asphaltic concrete in the above said reach have not been taken up by you despite repeated reminders and persuasion over the telephone. By virtue of this notice, you are directed to take up the remaining work within seven days from the receipt of this letter failing which the undersigned will be at liberty to proceed against you under provisions/Clause(s) of the agreement without any further notice.

3. It is submitted by the Counsel for the petitioner that the petitioner apprehends that the respondent may blacklist the petitioner or may debar the petitioner from further contracts in view of above letter and respondent therefore be restrained from acting on this letter.

4. I consider that the petition made by the petitioner is misconceived. The respondent has only stated that it would proceed against the petitioner in accordance with the contract. Under Section 9, this Court cannot bind the hands of either of the parties from proceeding under the contract or acting in accordance with the contract. The present petition is not maintainable and is hereby dismissed.

April 21, 2009
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SHIV NARAYAN DHINGRA, J.