

GAHC010217132023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Arb.A./9/2023

S M INTERIOR PRIVATE LIMITED
A COMPANY INCORPORATED UNDER COMPANIES ACT, 1956, HAVING ITS
REGISTERED OFFICE AT 6, PURBA MEDINIPUR, A/19, DURGACHAK
COLONY, HALDIA- 721602, WEST BENGAL, REP. BY POWER OF ATTORNEY
HOLDER SHRI SHAIKH SARFARAZ ALAM, AGED ABOUT 33 YEARS.

VERSUS

UNION OF INDIA AND 2 ORS.
REP. BY GENERAL MANAGER N. F. RAILWAY, MALIGAON, GUWAHATI-
781011.

2:THE CHIEF ENGINEER/ CONSTRUCTION- II
N.F. RAILWAY
MALIGAON
GUWAHATI- 781011.

3:THE DEPUTY CHIEF ENGINEER/ CON/BAIRABI AT SILCHAR
N.F. RAILWAY
SILCHAR- 788003
ASSAM

Linked Case : I.A.(Civil)/2940/2023

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For the applicant (s) : Mr. A. A. Ahmed, Advocate

For the respondent (s) : Mr. H. Gupta, CGC

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

13.05.2024

This is an Appeal under Section 37 of the Arbitration and Conciliation Act, 1996 challenging the orders dated 30.08.2023 and 07.09.2023 passed in Misc.(Arb) No.45/2023 by the learned Additional District Judge No.2, Kamrup (M) at Guwahati.

2. It has been brought to the attention of this Court that pursuant to the order passed on 07.09.2023, the respondents have duly appeared before the learned Court wherein Section 9 proceedings have been

initiated and also filed their written objection. Under such circumstances, this Court is of the opinion that the continuance of these two parallel proceedings is not warranted. It has also been brought to the attention of this Court that the hearing of the said Misc.(Arb) No.45/2023 has been kept in abeyance in view of the pendency of the instant Appeal.

3. Accordingly, this Court disposes of the instant Appeal thereby directing the learned Additional District Judge No.2, Kamrup (M) at Guwahati to dispose of the said Misc.(Arb) No.45/2023 as expeditiously as possible.

4. Taking into account that there is an abeyance by the Court itself in view of the pendency of the instant Appeal, this Court directs the parties to appear before the learned Additional District Judge No.2, Kamrup (M) at Guwahati on 27.05.2024. On that date, the learned Additional District Judge No.2, Kamrup (M) at Guwahati shall fix the matter for hearing and shall dispose of the said proceedings preferably within 3 (three) months.

5. In view of the above, the instant Appeal stands disposed of.

6. Return the LCR.

JUDGE

Comparing Assistant