

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

FAO No. 7536 of 2015(O&M)
Date of decision : November 6, 2015

M/s R. N. Metals

..... Appellant

Versus

H. P. G.C.L and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr.Pradeep Dhingra, Advocate and
Mr. Sachin Sood, Advocate
for the appellant.

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

Amit Rawal, J (oral).

The challenge in the present appeal is to the impugned order whereby the application filed under Section 9 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act') seeking interim relief viz-a-viz encashment of Bank Guarantee owing to the fact that the dispute in pursuance to the agreement/contract having been arrived at between the parties, has been dismissed.

Learned counsel appearing on behalf of the appellant submits that the impugned order referred to many facts which are not correct as per the documentary evidence, much less the correspondence exchanged between the parties. Though, the

application seeking appointment of independent arbitrator is listed today in this Court preceded by a legal notice of 30 days, yet there is an apprehension that the finding rendered by the court declining the application under Section 9 of the Act may have far reaching consequences in the adjudication between the parties to the *lis*.

He further submits that the finding rendered in the application may not be read as an expression on the merits of the case so that the arbitrator remain un-influenced and un-biased and give finding as per evidence lead by the parties.

I am in agreement with the submissions, aforementioned, as it is a settled law that any finding rendered in a petition allowing or declining/disposing of the application under Section 9 of the Act will not affect the adjudication of the dispute before the arbitrator. In essence, nothing mentioned in the impugned order shall be construed as an expression on the merits of the case viz-a-viz claim and counter claim of the parties before the arbitrator.

With the aforementioned observations the appeal stands disposed of.

(AMIT RAWAL)
JUDGE

November 6 , 2015
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