

*** IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 3675/2014 & IAs No.23903-04/2014 & 73/2015

Decided on: 16.01.2015

IN THE MATTER OF

M/S B.N SONS

..... Plaintiff

Through : Mr. Rajiv Sharma, Advocate

versus

NORTHERN RAILWAY & ANR

..... Defendants

Through : Dr. Ashwani Bhardwaj, Adv.

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HON'BLE MS.JUSTICE HIMA KOHLI

HIMA KOHLI, J. (ORAL)

1. The present suit has been instituted by the plaintiff praying *inter alia* for permanent injunction and for restraining the defendants from withholding an amount of ₹33,83,405.89 paise in respect of the four tenders, as detailed in prayer (a) of the prayer clause.

2. Summons were issued in the present suit on 1.12.2014. Pursuant thereto, appearance is entered by learned counsel for the defendants, who states that the plaintiffs had issued a notice dated 15.12.2014 to the defendants seeking the appointment of an Arbitrator to adjudicate the disputes between the parties with regard to the subject tenders. He hands over a copy of the notice dated 15.12.2014 issued by the plaintiff to the defendants and states that based on the said request, the defendants have agreed

to appoint an arbitrator within two weeks from today for adjudicating the dispute between the parties and a written intimation of the said order shall be communicated to the plaintiff. He further states that the defendants shall abide by the award and the amount withheld, if directed to be released, shall be released in accordance with law.

3. Counsel for the plaintiff states that the plaintiff reserves its right to approach the learned Arbitrator for release of the aforesaid amount, upon offering a bank guarantee for the said amount.

4. While reserving the right of the plaintiff to approach the learned Arbitrator for interim relief, with the consent of the parties, the present suit is disposed of with directions to the defendants No.1 & 2 to intimate the name of the Arbitrator to the plaintiff within two weeks from today, whereafter the parties shall appear before the learned Arbitrator on a date and time to be conveyed to them for adjudication of their *interse* disputes.

5. The suit is disposed of, along with the pending applications.

(HIMA KOHLI)
JUDGE

JANUARY 16, 2015
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