

HIGH COURT OF CHHATTISGARH, BILASPUR

ARBA No. 55 of 2012

1. International Commerce Limited, through its Managing Director, Shri Shree Kumar Lakhotia, S/o Late R.L. Lakhotia Aged About 44 Years R/o 13-14 J, Light Industrial Area, P.O. Bhilai C.G.

---- Petitioner

Versus

1. Bhilai Steel Plant, Steel Authority Of India Ltd., Through Its Chief Executive Officer Incorporated Under The Companies Act 1956, Bhilai Steel Plant, PS Bhilai Dist. Durg C.G.
2. Dy General Manager Bhilai Steel Plant, Steel Authority Of India Ltd. Marketing And Business Planning Department, Bhilai Steel Plant, P.S. Bhilai, Dist. Durg C.G.

---- Respondent

For Petitioner	Shri Ankit Pandey, Advocate
For Respondents	Shri Manish Upadhyay, Adv. on behalf of Dr. Saurabh Kumar Pandey, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

19/02/2016

1. This arbitration appeal is directed against the order dated 11-10-2012 passed by the District Judge, Durg, in Civil MJC No.46/2012 rejecting the appellant's application under Section 9 of the Arbitration and Conciliation Act, 1996 (for

short 'the Act, 1996') for passing interim order restraining the encashment of Bank Guarantee; terminating the contract; and staying the order dated 8-8-2012 by which the contract has been suspended.

2. By interim order dated 18-10-2012 this Court directed that no third party right or interest shall be created in respect of the subject material i.e. Rejected/Broken Ingot Mould & Bottom Stool Scrap, as specified in Sale Offer No.40016723 dated 7.6.2012, till the next date of hearing.
3. Although the matter is listed today for final hearing, on a mention being made by the appellant's counsel, it is informed that since the arbitration proceedings were not stayed by this Court it proceeded in accordance with law and has attained the stage of passing the award, but when at the time of publication of award it came to the notice of the Arbitrator that the present arbitration appeal is pending before the High Court, it was submitted before the Arbitrator that this appeal shall be argued finally in the High Court.
4. The present appeal is arising out of proceedings under Section 9 of the Act, 1996. The interim order passed on 18-10-2012 is still operative, therefore, without going into the

merits of the matter, since the arbitration proceeding itself has reached to final stage, the appeal is disposed of with observation that the interim order passed on 18-10-2012 shall continue during pendency of arbitration proceedings.

Sd/-

Judge

Prashant Kumar Mishra

Gowri