

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.8466 of 2016
Date of Decision: December 15, 2016

Punjab State Power Corporation Ltd., The Mall, Patiala & another

...Petitioners

Versus

M/s Shring Construction Co.Pvt.Ltd., Dehradun & another

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.Vikas Chatrath, Advocate,
for the petitioners.

AMIT RAWAL, J. (Oral)

The petitioners are aggrieved of the two orders dated 6.10.2014 (Annexure P-4) and as well as 5.9.2016 (Annexure P-7).

Mr.Vikas Chatrath, learned counsel for the petitioners submits that since the contract between the parties envisaged the dissolution of dispute through arbitration, Er.B.S.Sabharwal-respondent No.2 was appointed as an Arbitrator. However, the Contractor moved an application under Section 14 of the Arbitration and Conciliation Act, 1996 bearing Arbitration Case No.08 of 17.1.2014 before the Additional District Judge, Chandigarh and the same is pending adjudication. Evidence to some extent has been led, but in the meantime, the Court vide order dated 6.10.2014, stayed the arbitration proceedings. Since the petitioners were affected by the aforementioned order, they moved an application dated 4.11.2014 (Annexure P-5) for vacation of the stay, but the same has been decided

almost after two years with the observation that if the petitioners were aggrieved, they should have challenged the order in the higher Court. He submits that specific stand of the petitioners before the Court was that the application was totally misconceived. None of the grounds as urged is made out for termination of the mandate of the arbitration. It was a delaying tactics.

I have heard the learned counsel for the petitioners and appraised the paper book.

No doubt, application for vacation of the stay order dated 6.10.2014 was moved immediately in November, 2014, but they came out on 5.9.2016. The proceedings held in between are not being brought to the notice of this Court. Mr.Chatrath informs that, in fact, the matter was pending for adjudication of the application. Almost two years have been wasted in deciding the application. By that time, the application moved under Section 14 of 1996 Act would have been decided.

Instead of pondering upon the merits and de-merits of the matter, I deem it appropriate to issue a direction to the Objecting Court to decide the application under Section 14 of 1996 Act, stated to be pending, as expeditiously as possible within a period of four months from the date of receipt of certified copy of this order by affording reasonable opportunities to the parties in accordance with law.

Revision petition stands disposed of.

December 15, 2016
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No