

In the High Court of Punjab and Haryana at Chandigarh

FAO No.1 of 2014 (O&M)

Date of decision: January 19, 2016

M/s Spanco Limited

..... Appellant

Versus

Haryana State Electronics Development Corp. Ltd. and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Ms. Anamika Mehra, Advocate for the appellant.
Mr. Pankaj Gupta, Advocate for respondent No.1.
Mr. G.S. Anand, Advocate for respondent No.2.

AMIT RAWAL, J.

The present appeal has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 (for short '1996 Act') for restraining respondent No.1 from getting the Bank Guarantee. It has been brought to the notice of this Court that the appellant had filed application under Section 9 of 1996 Act before the Competent Court. The same was withdrawn with liberty to approach the appropriate Court. This fact is discernible from the pleadings culled out in paragraph 30 of the appeal, which read as under:

“30. That the petitioner approached the District Court, Chandigarh for the interim relief, but the same was withdrawn by the counsel for the petitioner with the liberty to

approach the appropriate Court and no such matter is pending.”

The interim relief sought in the present case, in my opinion, is arising out of the same alleged dispute. The grievance of the appellant is to seek interim measure by invoking the provisions of Section 9 of 1996 Act, in case, any terms and conditions of contract had been violated. A straightway jurisdiction of this Court, under Section 9 of 1996 Act, cannot be invoked.

In view of the aforementioned observations, the present appeal is not maintainable.

Accordingly, appeal stands dismissed.

(AMIT RAWAL)
JUDGE

January 19, 2016
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