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HIGH COURT OF CHHATTISGARH, BILASPUR**ARBA No. 15 of 2016**

- M/s S K S Power Generation (Chhattisgarh) Limited , A Company Incorporated Under The Provisions Of The Companies, Act, 1956, Having Its Registered Office At 501B, Elegant Business Park, Andheri Kurla Road, Andheri (E), Mumbai And Site Address At Village Binjkot, Tehsil- Kharsiya, District- Raigarh, Chhattisgarh, Through Its Authorized Representative Shri K. Hariharan

---- Appellant**Versus**

1. Doshion Private Limited, Having Its Registered Office At 1015, 10th Floor, A Wing, ATMA House, Opp. Old R.B.I., Ashram Road, Ahmedabad, Gujarat
2. IDBI Bank, Having Office At I.D.B.I. Complex, Near Lal Bunglow, Off C.G. Road, Ahmedabad, Gujarat
3. Dena Bank, Having Office At 2nd Floor, Dena Laxmi Building, 188-A, Ashram Road, Ahmedabad, Gujarat

---- Respondent**And****ARBA No. 16 Of 2016**

- M/s S K S Power Generation (Chhattisgarh) Limited, A Company Incorporated Under The Provisions Of The Companies, Act, 1956, Having Its Registered Office At 501B, Elegant Business Park, Andheri Kurla Road, Andheri (E), Mumbai And Site Address At Village Binjkot, Tehsil- Kharsiya, District- Raigarh, Chhattisgarh, Through Its Authorized Representative Shri K. Hariharan

---- Appellant**Vs**

1. Doshion Private Limited, Having Its Registered Office At 1015, 10th Floor, A Wing, ATMA House, Opp. Old R.B.I., Ashram Road,

Ahmedabad, Gujarat

2. IDBI Bank, Having Office At I.D.B.I. Complex, Near Lal Bunglow, Off C.G. Road, Ahmedabad, Gujarat
3. Dena Bank, Having Office At 2nd Floor, Dena Laxmi Building, 188-A, Ashram Road, Ahmedabad, Gujarat

---- Respondent

For Appellant : Shri Ankit Singhal, Advocate.
 For Respondent No.1 : Shri N.L. Gahpathi with Shri Sourabh Sharma
 and Shri Jatin Joshi, Advocates.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

16/02/2017

1. In course of hearing, learned counsel for the parties would agree that since the Arbitral Tribunal has already been appointed and respondent No.1/claimant is likely to file its statement of claim, it may be permitted to move separate application under Section 17 of the Arbitration and Conciliation Act, 1996 (for short 'the Act, 1996') for seeking interim relief in the same terms in which prayer was made before the District Judge in the proceeding under Section 9 of the Act, 1996.
2. In view of the submissions made, the present Appeals are disposed of with a direction that the respondent No.1 shall file its statement of claim along with an application under Section 17 of the Act, 1996 for grant of interim protection or interim relief as was prayed before the District Judge in the proceeding under Section 9 of the Act, 1996. On filing of such claim and application, the Arbitral

Tribunal shall decide the application under Section 17 of the Act, 1996 within next 4 weeks, after hearing both the parties.

3. It is informed that Hon'ble Mr. Justice Mukul Mudgal (Retired) has been appointed by the parties to function as Arbitral Tribunal, however, considering the assignments of the said Tribunal, it is possible that the Tribunal may not be in a position to take up the matter under Section 17 of the Act, 1996 within a period of one month.
4. Considering the submission, it is observed that it will remain open for the Tribunal to pass order even after the period of one month. However, the parties shall cooperate the Arbitral Tribunal in hearing on the application under Section 17 of the Act, 1996.
5. It is made clear that till the Arbitral Tribunal passes an order on the application under Section 17 of the Act, 1996, interim protection granted to respondent No.1 by the District Judge shall remain operative.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve