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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No.510 of 2017**

Tata Projects Limited A Company Incorporated Under The Companies Act, 1956 And Having Its Registered Office At Mithona Towers-1, 1-7-80 To 87, Prenderghast Road, Secunderabad 500003 Telengana, Through Its Power Of Attorney Holder Dr. A. Raja Mogili.

---- Petitioner**Versus**

1. M/s Essgee Associates A Partnership Firm Having Its Principal Place Of Business At P -35, Recol Park, City Centre, Durgapur 713 205, West Bengal.
2. Syed Salahuddin, Partner, Working For Gain At M/s Essgee Associates, P-35, Recol Park, City Centre, Durgapur 713 205, West Bengal, As Managing Partner Thereof.
3. Syed Ejaz Ahmed, Partner, Working For Gain At M/s Essgee Associates, P-35, Recol Park, City Centre, Durgapur 713 205, West Bengal, As Partner Thereof.
4. I C I C I Bank Limited, Hotel Laxman Avenue, Near Mandi, Balaji Ward, Jagdalpur 494001, Chhattisgarh.

--- Respondents

For Petitioner : Mr. Vaibhav Shukla, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

07/09/2017

(1) The trial Court by impugned order dated 21.06.2017 has allowed the respondents/defendants' application under Section 5 & 8 of Arbitration and Conciliation Act, 1996 read with Order 7 Rule 11 of CPC, 1908 and plaint has been rejected against which, this writ petition under Article 227 of the Constitution of India has been filed by the petitioner/plaintiff.

(2) Learned counsel appearing for the petitioner would submit that the impugned order is unsustainable and bad-in-law.

(3) I have heard learned counsel for the petitioner and perused the impugned order.

(4) The order rejecting the plaint under Order 7 Rule 11 of CPC has a force of decree and it is appealable under the Code of Civil Procedure, therefore, the instant writ petition as framed and filed by the petitioner is not maintainable and is hereby dismissed. However, the dismissal order will not bar to the petitioner to prefer an appeal, if so advised.

Sd/-
(Sanjay K. Agrawal)
Judge

L/-