

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 383 of 2017

- M/s P.S. Construction Through Its Proprietor Manoj Kumar Sinha S/o Late Shri G.S.Sahay, Aged About 49 Years, R/o L-12, Sector I I, Agrasen Nagar, Ring Road No.1 Raipur District Raipur, Chhattisgarh

---- Appellant

Versus

- The Police Housing Corporation Chhattisgarh Through The Managing Director, S I B Building, Old P H Q, Civil Lines, Raipur, Chhattisgarh

---- Respondent

For Appellant	: Shri R.R.Sinha, Advocate
For Respondent/State	: Shri Yashwant Singh Thakur, Addl. Adv. General

Hon'ble Shri Justice Pritinker Diwaker
Hon'ble Shri Justice Ram Prasanna Sharma

Order on Board

05/10/2017

Challenge in the present writ appeal is to order dated 13.09.17 (Annexure A/1) passed by the Writ Court where by the Writ Court has declined to interfere in the matter on the ground of availability of alternative remedy to the appellant.

From the facts it appears that certain work contract was awarded to the appellant for carrying out the construction of multi storey barrack at Raipur. It seems that the appellant failed to complete the said construction work within the stipulated period and and even during the extended period. Thereafter the respondent issued notice and ultimately terminated the agreement. The representation preferred by the appellant has also been rejected.

Writ Court after considering the Clause 28 of the Agreement has

arrived to a conclusion that there exist an arbitration clause in the agreement and the appellant can approach the Arbitration Tribunal.

Counsel for the appellant submits that in the Tribunal there is no possibility of getting any interim order and as such the alternative remedy available to the appellant is not efficacious.

The apprehension shown by the appellant has absolutely no basis because till date the appellant has not approached the Tribunal. After considering all the aspects of the case, the Writ Court has rightly dismissed the Writ petition which has no substance.

Considering all the aspects of the case, we are of the considered view that the present appeal has no substance and the same is accordingly dismissed.

It is made clear that dismissal of the appeal would not come in the way of the appellant to approach the Arbitration Tribunal and in the eventuality of doing so it is expected from the Tribunal to act in accordance with law.

Sd/-

(Pritinker Diwaker)
Judge

Sd/-

(Ram Prasanna Sharma)
Judge