

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Civil Revision No. 164 of 2013**

*{Arising out of Order dated 21.10.2013 passed in Arbitration Civil Case
No. 49-A/2013 by the District Judge, Raipur}*

Ind Synergy Limited, a limited Company duly incorporated and registered under the provisions of Companies Act, 1956, having its Registered Office at Gokulpuram, Shankar Nagar, Raipur, PS Shankar Nagar, Raipur, Chhattisgarh, through its authorised signatory Shri G. Surya Rao.

---- **Petitioner****Versus**

Goyal MG Gases Private Limited, a Company duly incorporated and registered under the provisions of the Companies Act, 1956 through its Managing Director, Shri Suresh Goyal, having its registered office at 53, Friends Colony (East) New Delhi and a Corporate Office at A-38, Mohan Cooperative Industrial Estate, Mathura Road, New Delhi 110 044

---- **Respondent**

For Petitioner	: Shri Ankit Singhal, Advocate.
For Respondent	: Shri Prateek Sharma, Advocate.

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice

Order on Board**04/12/2017**

1. This revision petition under Section 115 of the Code of Civil Procedure, is against the judgment of the District Judge, Raipur refusing to interfere with the discretionary order issued by an Arbitrator under the provisions of the Arbitration and Conciliation Act, 1996; for short, A&C Act.
2. The Respondent and the Petitioner have a contract between them. It is submitted that the Respondent was bound to supply a particular variety of gas for the purpose of the Petitioner. In consonance with the terms of the contract, the Petitioner had given post dated cheques to the Respondent, it is submitted. The contention of the Petitioner is that in breach of the terms of the contract, the Respondent proceeded to present the cheques without effecting due supplies. It is submitted that the Petitioner instructed the banker to stop payment of those cheques. The Petitioner moved the Arbitrator for an interim measure pending

arbitral proceedings. The Arbitrator declined it giving reasons for the said decision. The District Judge, under the statutory appeal under A&C Act, confirmed the decision of the Arbitrator and held the facts and the judicial precedents referred to by the learned Arbitrator sustains the order of refusal of injunction as an interim measure.

3. Having perused the impugned order of the learned District Judge and having heard the learned counsel for the revision Petitioner, I do not find any ground to interfere under Section 115 CPC. No irregularity, illegality or impropriety is shown on the face of the impugned order. The learned District Judge cannot be held to have acted illegally or with material irregularity in the exercise of jurisdiction. The Court below cannot also be criticized of having failed to exercise jurisdiction vested in it or of having erroneously exercised jurisdiction. criticized to have failed to exercise jurisdiction vested in it or erroneously exercised any such jurisdiction. This is all the more so because the detailed impugned order discusses various aspects of the matters and affirms the views of the learned Arbitrator on merits. The findings rendered by the learned District Judge cannot be treated as unreasonable, perverse or unavailable on record. Under such circumstance, no ground for interference under Section 115 CPC is made out. The aforesaid position notwithstanding, even if the cheques are presented or encashed by the Respondent, that would also be a matter for consideration of the learned Arbitrator when the arbitral proceeding concludes. It is submitted by the learned counsel for the Petitioner that the Arbitrator has not passed the final award. Hence, such issues will remain open for the learned Arbitrator to consider, if they survive and would be germane at the time of final disposal of the arbitral proceedings.
4. In the result, this revision petition is dismissed.

Sd/-
(Thottathil B. Radhakrishnan)
CHIEF JUSTICE