

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107

CWP-27381-2017

Date of Decision : 07.12.2017

M/s Jyoti Build Tech Pvt. Ltd.

..... Petitioner

Versus

Punjab Water Supply and Sewerage Board and others Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Sunil Chadha, Sr. Advocate
for Mr. Deeraj Mahajan, Advocate
for the petitioner.

AJAY TEWARI, J. (ORAL)

Learned Senior Counsel has relied upon the judgment in the matter of *Bigla Kachhap @ Dilip Kachhap and others vs. State of Jharkhand and others, 2002 (5) BLJR 528*, wherein a Division Bench of the Jharkhand High Court has held that furnishing of a bank guarantee gives same protection as deposit of cash or fixed deposit. Learned Senior Counsel has argued that the petitioner is willing to present a bank guarantee of 10% of the claimed amount and would not object to a further condition being imposed that the bank guarantee may not be invoked by the petitioner.

In my opinion, it would be appropriate if this issue is also decided by the Arbitrator at the first instance.

Learned Senior Counsel states that he would have no objection in moving an application before the Arbitrator but there is a possibility that the deadline of 11th December, 2017 set by him may not be met and the claim of the petitioner may be rejected on this ground.

I am sure that the Arbitrator would give an appropriate opportunity to the petitioner to make the deposit in terms of any order which may be passed.

Petition stands disposed of.

Copy of this order be given to the counsel for the petitioner under the signatures of the Bench Secretary.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

December 07, 2017
ashish

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No