

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

FAO No.370 of 2017(O&M)
Date of decision: 01.02.2017

Trident Techlabs Pvt. Ltd.

... Appellant

Versus

Punjab State Power Corporation Ltd.

... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Randeep S. Surjewala, Advocate;
Mr. Yash Mishra, Advocate;
Mr. Aditya Jain, Advocate;
Ms. Nidhi Jaswal, Advocate; and
Mr. R. Kartikeya, Advocate for the appellant.

ARUN PALLI, J. (Oral)

Vide order, dated 18.01.2017, that is being assailed in this appeal, the Additional District Judge, Patiala, has declined to order/grant *ex parte* stay of execution of a part of the arbitral award dated 08.11.2016.

The objections (ARB/2/2017) filed by the appellant under Section 34 of the Arbitration & Conciliation Act, 1996 (for short, 'the Act') against the said award as also the stay application, under Section 36(2) of the Act, came up for consideration before the Court on 06.01.2017. The learned court below declined the prayer for an *ex parte* stay, and issued notice to the respondent in the objection petition as also in the stay application for 18.01.2017. The respondent was served, and it caused appearance through its counsel on the date fixed i.e. 18.01.2017. However, without any consideration upon the interim relief that was/is being prayed the learned Court adjourned the matter by a month i.e. 17.02.2017. And, that is what,

precisely, the grievance of the appellant is; that once the learned Additional District Judge had refused to grant an *ex parte* stay, it ought to have considered the prayer of the appellant for interim relief on 18.01.2017 particularly, when the notice in the stay application was issued to the respondent for the said date and it appears through his counsel.

Faced with this, it is submitted that the appellant even moved an application under Section 9 (ARB/6/2017) of the Act before the same Court on 18.01.2017 itself, and prayed for interim injunction. However, vide impugned order dated 18.01.2017 (Annexure A-3), again, the learned Court refused to grant an *ex parte* stay and issued notice to the respondent for 17.02.2017. It is submitted, for, the respondent had already appeared in the connected matter, which too was listed for the same date, the learned Court could always ensure the appearance of the respondent even in these proceedings to avert any further delay. As also, in the wake of the expressed urgency in the matter.

It is maintained that the respondent was/is seeking to implement a part of the award. And, vide letter dated 17.01.2017 (Annexure A-4), the appellant has even been asked to deposit a sum of ₹ 14,77,953/- by 23.01.2017, so that the matter as regards cancellation of blacklisting of the appellant and release of the bank guarantee could be processed.

Be that as it may. For, the Court below is in seisin of the proceedings and both the matters i.e. objections preferred by the appellant under Section 34 as also the stay application under Section 36(2), and the application under Section 9 of the Act, are listed for 17.02.2017, I deem it appropriate to dispose of this appeal, at this stage, only with a direction to the Court, to consider and decide the prayer of the appellant for interim

relief on the date fixed. However, in the event the Court does not find it feasible to decide the same on the said date, for any sufficient reason, the same be decided maximum a within a week thereafter.

Needless to assert that this order shall not constitute any expression of opinion on the merits of the case, and the court shall decide the stay application(s) strictly in accordance with law.

February 1, 2017
Rajan/Manoj Bhutani

(Arun Palli)
Judge

Whether speaking / reasoned:	YES/NO
Whether Reportable:	YES/NO