

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 564 of 2018**

1. Ambuja Cement Eastern Ltd. (Previously Known As Modi Cement Ltd.), A Company Registered Under Companies Act, 1956, Having Registered Office At Rawan, Tahsil And Now District Baloda Bazar Raipur Chhattisgarh.
2. Mr. Kranti Agrawal, S/o Shri J.P. Agrawal, Share Holder, Oppo. Police Station Baloda Bazar, District Raipur Chhattisgarh.

---- Appellants**Versus**

1. Steel Authority Of India Ltd. Through Its Managing Director, Bhilai Steel Plant, A Company Registered Under Companies Act, 1956, Registered Office At Ispat Bhawan, Lodhi Road, New Delhi.
2. General Manager (M And SP), Bhilai Steel Plant, Bhilai, District Durg Chhattisgarh.

---- Respondents

For Appellants : Shri Ashish Shrivastava, Advocate.

For Respondents : Dr. N.K. Shukla, Senior Advocate with Shri Shailendra Shukla, Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Prashant Kumar Mishra, Judge

Order on Board**25/07/2018****Per Ajay Kumar Tripathi, Chief Justice**

1. Counsel for the Appellants, without going into the debate any further whether alternative remedy of arbitration provided in the Contract Agreement dated 26.06.2001 would be a bar or not in maintaining the application would now be ready to abide by the provision of Clause 17.1 to 17.10 of the Contract Agreement dated 26.06.2001 with the Steel Authority of India unit Bhilai Steel Plant.
2. The Court cannot be unmindful of the fact that though the dispute arose in

relation to certain refund which the Appellants claim they were entitled to, arose sometime in the year 2005 and the writ application was filed in the year 2005, but remained pending for almost 13 years for adjudication and now has been disposed off on the ground that alternative remedy is available.

3. Be that as it may, if the Appellants moves the Managing Director of the Bhilai Steel Plant in terms of the Clause 17 of the Contract Agreement, it will be his duty to ensure that the sole Arbitrator is appointed at the earliest who can go into the dispute and give his award within the reasonable time frame, preferably within the time fixed as per amended provision of the Arbitration and Conciliation Act, 1996.

4. The appeal stands disposed off with the above observation.

Sd/-

(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-

(Prashant Kumar Mishra)
JUDGE