

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.178 OF 2018

Yalamanchili Software Exports Ltd. and another ... Petitioners
Vs.

State Bank of India and others ... Respondents

Mr. Rahul Narichania, Senior Advocate a/w. Mr. Shaunak Thacker,
Ms Sanaya Dadachanj, Ms Aparna Pujar I/b. Maniklal Kher Ambalal & Co.
for Petitioners.

Mr. Shrivardhan Deshpande a/w. Ms Ishita Advani i/b. Desai & Diwanji for
Respondents No.1 and 2.

**CORAM : R. M. BORDE &
R. G. KETKAR, JJ.
DATE : FEBRUARY 07, 2018**

P.C. :

The petitioners are objecting to the show cause notice issued by the State Bank of India on 15.11.2017 calling upon the petitioners to show cause as to why the firm shall not be blacklisted. Since the challenge raised in the Petition relates to show cause notice, in our view, no interference is called for in exercise of extra-ordinary jurisdiction under Article 226 of the Constitution of India.

2. It has been pointed out by the Counsel appearing for the parties that the arbitral proceedings are also pending before the Arbitral Tribunal and an application under Section 17 of the Arbitration and Conciliation Act seeking interim orders has been presented by the petitioners. It is further informed that the hearing on the application before the Arbitral Tribunal is prescribed on 15.02.2018. Apart from this, the Counsel appearing for the State Bank of India informs that the date prescribed for presentation of reply to the show cause notice is 20.02.2018. Whereas, the petitioners are called upon to make

submissions in person on or before 23.02.2018. Since the petitioners are being afforded opportunity of hearing and the principles of natural justice are being followed by the respondents, in our view, no interference is called for at this stage.

3. Apart from this, the another aspect that a similar prayer has already been made to the Arbitral Tribunal by the petitioner for grant of interim orders, also cannot be overlooked. The petitioner contends that the issue of jurisdiction is germane to the decision as regards validity of the show cause notice, and as such, the High Court shall consider the said issue in exercise of powers in a writ jurisdiction. It would be open for the petitioners to raise all the contentions available in law either before the Arbitral Tribunal or in response to the show cause notice issued by the State Bank of India.

4. In view of the above, no interference is called for. The Petition stands rejected.

(R. G. KETKAR, J.)

(R. M. BORDE, J.)