

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Sri Justice D.V.S.S.Somayajulu

Civil Revision Petition No.1294 of 2018

Dated 28.03.2018

Between:

Sri Chakra Avenues Pvt. Ltd.
Having its office at Flat No.72,
Ground Floor, Journalist Colony,
Near Andhra Jyothi, Jubilee Hills,
Hyderabad

... Petitioner

and

Emami Vriddhi Commercial Pvt. Ltd.,
Having its regd. Office at Kolkata
and carrying on business from
Hyderabad and another

... Respondents

Counsel for the Petitioner: Mr.M.V.Raja Ram

The Court made the following:

Order: (per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This Civil Revision Petition is filed under Article 227 of the Constitution of India assailing an order passed by the learned Arbitrator.

In **M/s.S.B.P. & Co. v. M/s. Patel Engineering Limited and another**¹, the Supreme Court held that if a party is aggrieved by an order of the Arbitrator during the arbitral proceedings, his only remedy is to question the same while questioning the award under Section 34 of the Arbitration and Conciliation Act (26 of 1996) (for short 'the Act'). In the said judgment, the Supreme Court has disapproved the practice of certain High Courts entertaining revision petitions under Article 226 or 227 of the Constitution of India. Following the said judgment, a Division Bench of this Court, of which one of us (CVNR, J) was a member, dismissed the Civil Revision petition filed under Article 227 of the Constitution of India against the order passed by an arbitrator *vide* **Mohd. Hussain Khan v. Mohd. Imtiyaz Ahmed**².

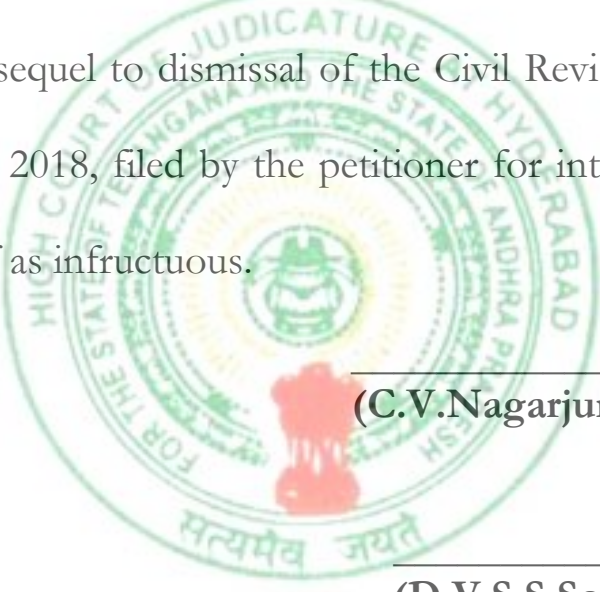
¹ AIR 2006 SC 450

² AIR 2016 Hyderabad 183

Mr.M.V.Raja Ram, learned Counsel for the petitioner, fairly conceded that the present case is covered by the aforementioned judgment.

In the light of the above, the Civil Revision Petition is dismissed, however, with liberty to the petitioner to avail appropriate legal remedy under the provisions of the Act and in the light of the observations made in **M/s.S.B.P. & Co.** (1 supra) and **Mohd.Husain Khan** (2 supra).

As a sequel to dismissal of the Civil Revision Petition, IA.No.1 of 2018, filed by the petitioner for interim relief, is disposed of as infructuous.



(C.V.Nagarjuna Reddy, J)

(D.V.S.S.Somayajulu, J)

Date: 28-03-2018
lur

