

THE HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN

ARBITRATION APPLICATION No.15 OF 2014

ORDER:

Heard the learned counsel for the applicant and the learned counsel for the respondent.

2. This is an application under Sub-sections 5 and 6 of Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act') for appointment of an Arbitrator.

3. It is submitted by the learned counsel for the respondent that his client is covered by proceedings before the National Company Law Tribunal (NCLT) in terms of the Insolvency and Bankruptcy Code, 2016 (hereinafter referred to as "the Code") and moratorium has been declared under Section 13 of that Code. This fact situation is not in dispute. That being so, Sub-section (1)(a) of Section 14 of that Code, dissuades enabling recourse to arbitration as sought for by the petitioner at this point of time, by appointment of an Arbitrator.

4. For the aforesaid reason, preserving all contentions of the applicant and the respondent under the Code and the Act, in different jurisdictions, including before this Court under the Act, if and when such recourse becomes necessary, this Arbitration Application is closed.

Miscellaneous applications, if any, pending in the Arbitration Application, shall stand closed. No order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

Date: 16th November, 2018

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