

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE P.KESHAHA RAO

WRIT PETITION No.36081 of 2018

02.11.2018

Between:

M/s. B.S.N.Joshi & Sons Limited,
represented by its Director, Visakhapatnam

..Petitioner

and

Rashtriya Ispat Nigam Limited,
represented by its Deputy General Manager (MM),
Visakhapatnam and another

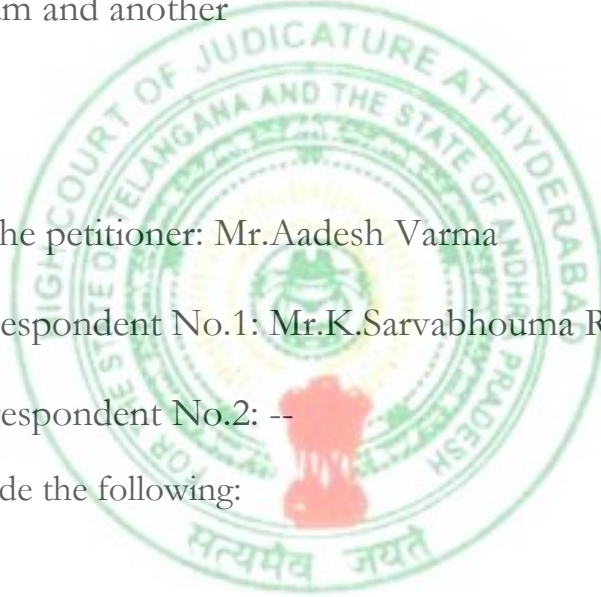
..Respondents

Counsel for the petitioner: Mr.Aadesh Varma

Counsel for respondent No.1: Mr.K.Sarvabhouna Rao

Counsel for respondent No.2: --

The Court made the following:



ORDER: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This writ petition is filed for the following substantive relief.

“...to issue a Writ, Order or direction more particularly in the form of Writ of Prohibition or any other appropriate Writ, thereby declaring that the action of the respondent No.1 to appoint the arbitrator Respondent No.2 vide proceedings Arb/non-ICA/4.66 P.A. Boiler/102 dated 30.03.2018 is an illegal act and is barred by the principles of law and is contrary to the established provisions of the Arbitration and Conciliation Act, 1996 and forbear the Respondents from proceeding as Arbitrator under the Arbitration and Conciliation Act. This Hon'ble Court may if necessary further declare that once the arbitration proceedings have been held and in pursuance of the same as award has been passed and thereafter the arbitration proceedings have been terminated, fresh arbitration proceedings cannot be invoked at the whims and mercy of the Respondent and the same be termed as illegal and arbitrary and this Hon'ble Court may pass any other order deemed to be fit and necessary in the facts and circumstances of the case.”

2. At the hearing, Mr.Aadesh Varma, learned counsel for the petitioner, has requested for permission of the Court to withdraw the writ petition with liberty to his client to avail

appropriate legal remedies under the provisions of the Arbitration and Conciliation Act, 1996.

3. This Writ Petition is, accordingly, dismissed as withdrawn with liberty to the petitioner in terms of the prayer made.

4. As a sequel to dismissal of the Writ Petition, I.A.No.1 of 2018 filed by the petitioner for interim relief stands dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

P.KESHAVA RAO, J

02nd November, 2018
GHN

