

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1506 of 2019

M/s Vijeta Projects and Infrastructure Ltd. a company incorporated under the provisions of Companies Act, 1956 having its Registered Office at Morabadi Maidan, P.S. Bariatu, District Ranchi through its authorized signatory, Anuranjan Kumar Rakesh, aged about 55 years, Male, son of Sri Prabhu Deo Narayan Singh, Resident of Indraprastha Colony, Baraiatu, P.S. Bariatu, Town and District Ranchi.

... .. Petitioner

Versus

1. The Power Grid Corporation of India Ltd. a Company incorporated under the Companies Act, having its Registered Office at B-9, Kutub Institutional Area, Katwaria Sarai, New Delhi- 110016 through its Chairman and Managing Director.
2. The General Manager (Projects), Power Grid Corporation of India Ltd. having its Regional Office at Vidyut Board Colony, Shastri Nagar, Patna- 800023
3. The Deputy General Manager (Engg),. Power Grid Corporation of India Ltd. having its Regional Office at Vidyut Board Colony, Shastri Nagar, Patna- 800023.
4. The Assistant General Manager (ROCC and Engg), Power Grid Corporation of India Ltd. having its Regional Office at Vidyut Board Colony, Shastri Nagar, Patna- 800023.
5. The Chief Manager, (PESM), Power Grid Corporation of India Ltd. having its Regional Office at Vidyut Board Colony, Shastri Nagar, Patna- 800023.
6. The Manager (ROCC), Power Grid Corporation of India Ltd. having its Regional Office at Vidyut Board Colony, Shastri Nagar, Patna- 800023.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. P.K. Shahi, Sr. Advocate, Mr. Alok Kumar Agrawal, Advocate
For the PGCL	:	Mr. Suraj Samdarshi, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 08-03-2019 During pendency of the writ application the parties have decided to refer the dispute in question to Hon'ble Mr. Justice J.N. Singh, a former Judge of this High Court as sole Arbitrator.

In that view of the matter, they jointly request this



court to allow this writ application be withdrawn at this stage so that the matter may be placed before the learned Arbitrator who will proceed in accordance with law. They submit that in this regard they will move before the learned Arbitrator within three weeks from today.

Liberty is granted.

Since the parties have jointly decided to go for arbitration and approach the learned Arbitrator whose declaration under the Sixth Schedule read with Section 12(1)(b) of the Arbitration & Conciliation Act, 1996 has been placed before this court, let the writ application be disposed of accordingly.

At this stage, learned counsel for the petitioner submits that the issues relating to encashment of the bank guarantee are also arising from the impugned order which will now be subject to a decision of the arbitral tribunal, therefore for a period of three weeks the respondents should maintain status quo.

Mr. Suraj Samdarshi, learned counsel for the respondents however submits that the bank guarantee has already been invoked by the respondents, though it has not been encashed because of the status quo order operating in the



present matter, the same being a separate agreement, no order need be passed in respect thereof and the whole matter may be left for a decision by the learned arbitral tribunal even on the issue of interim order.

After considering the aforesaid submissions, this court finds that in order to save the *lis* i.e. the subject matter of the dispute before it is placed before the learned Arbitrator as the parties have agreed to bring it to the notice of the learned Arbitrator within three weeks from today, it would be just and proper if the respondents maintain the status-quo with regard to encashment of the bank guarantee as well for three weeks from today. This court orders accordingly.

The writ application stands disposed of in aforesaid terms.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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