

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION*

WRIT PETITION NO. 3627 OF 2019.

Bhagawati Construction

.. Petitioner

Vs

Central Railway and another

.. Respondents

Mr.Kamlesh Sukhwani and Mr.Chirag Sukhwani i/b Ms.Suvarna Joshi, for the Petitioner.

Mr.T.J.Pandian, for Respondents.

***CORAM : PRADEEP NANDRAJOG, C.J. &
N.M.JAMDAR, J.***

Date : 9 April, 2019.

P.C. :

1. The issue relates to a tender.
2. After some argument learned counsel for the Petitioner states that the Petition may be disposed as not pressed recording expressly that the Petitioner would proceed under the arbitration clause and would seek remedy under Section 9 of the Arbitration and Conciliation Act 1996, praying for interim protection against the order cancelling the tender. Counsel prays that the Respondents may

be restrained from enforcing the recovery contemplated by the letter dated 5 March 2019.

3. Learned counsel for Respondents states that the recovery contemplated by the letter will not be made for a period of four weeks from today so that the Petitioner can avail the remedy under Section 9 of the Arbitration and Conciliation Act 1996.

4. Disposing of the Writ Petition as not pressed we bind the Respondents to the concession given by the counsel and as recorded herein-above. Needless to state all contentions of facts as well as law available to the Petitioner would be available to by the Petitioner in the arbitration proceedings.

N.M.JAMDAR, J.

CHIEF JUSTICE