

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.13354 OF 2019

O R D E R

The grievance of the petitioner – company is that pending arbitration proceedings, the 2nd respondent – Principal Chief Material Manager, Rail Nilayam, Secunderabad, issued the impugned recovery notices dated 26-02-2019, and the same are illegal and arbitrary.

Sri C.V.Rajeev Reddy, learned Standing Counsel for Railways submits that in similar facts and circumstances, a Division Bench of this court in W.A.No.328 of 2019 dated 16-04-2019 gave liberty to the appellant therein, to file application under Section 17 of the Arbitration and conciliation Act, 1996 (for short 'the Act') for seeking interim relief *qua* the recovery order, and hence the present writ petition may also be disposed of in terms of the said order.

Learned counsel for the petitioner submits that as the arbitrator was appointed for resolving the dispute, petitioner made representation on 6.6.2019, seeking stay of recovery proceedings, but the 2nd respondent did not consider the said representation. Therefore, petitioner has no other alternative except to file writ petition.

Since the arbitrator has already been appointed and proceedings are pending before him and the petitioner is stated to have made representation seeking stay of recovery proceedings, without expressing any opinion on merits, the writ petition is disposed of directing the arbitrator to consider the application of the petitioner under Section 17 of the Act, and pass appropriate orders in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. Till

the disposal of such application, respondents shall not take any coercive steps against the petitioner.

Office is directed to mark of this order to the arbitrator -
Shri Yatinder Pal Singh, Retired AGM / N.C., Rly., 16, Mother Teresa Crescent, New Delhi – 110011.

Interlocutory applications pending, if any, shall stand closed. No order as to costs.

A.RAJASHEKER REDDY,J

DATE:03—07—2019

Note:

Copy of this order shall be marked to
Shri Yatinder Pal Singh,
Retired AGM / N.C., Rly.,
16, Mother Teresa Crescent,
New Delhi – 110011.

B/O
(AVS)

