

HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION No.39613 OF 2018

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue a writ or order, orders or directions more particularly one in the nature of Writ of Mandamus declaring action of the Respondent No.3 who is demanding the petitioner for reducing the amount of Rs.186.10 vide PO No.30173628190596, Dt.21.02.2018 from Rs.204.10 vide PO No.30163628192945, Dt.19.12.2016 for supplying of K-Type composite break block for coaching stock which is already tendered and ordered by the Respondent No.1 for supply according to Rs.204.10 on 19.12.2016 through Legal Bid No.005566367 on 20.09.2016, further issuing Memo No. ASA/BG/Fort Feature SBG 382, Dt.25.09.2018 to Respondent No.4 for encashment of bank guarantee of Rs.10 lakhs given by the petitioner is highly illegal, arbitrary, discriminative and unlawful and pass such other order or orders or directions as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. Heard Sri M.Prudhvi Raj, learned counsel appearing for the petitioner and Sri P.Bhaskar, learned Standing Counsel for South Central Railway appearing for respondents 1 to 3.

3. When the matter is taken up for hearing, Sri P.Bhaskar, learned Standing Counsel for South Central Railway appearing for respondents 1 to 3 placed before this Court a letter, dated 24.04.2019, addressed to the petitioner by the Deputy Chief Material Manager/Coaching/Principal Chief Materials Manager, South Central Railway, Secunderabad, wherein it is stated that as sought by the petitioner for appointment of Arbitrator, the Competent Authority has nominated Dr.Yatindra Pal Singh, AGM/NCR (Retd.), C/o. Dr.Shashi Bala Singh, Director, National Institute of Pharmaceutical Education & Research (NIPER), Balanagar, Hyderabad, as Arbitrator to deal the

case of the petitioner and adjudicate accordingly and it is further stated that the Arbitrator has already been requested to communicate the acceptance of his nomination as Arbitrator and initiate further action in the matter. The said letter is taken on record.

4. Learned counsel for the petitioner has not disputed the same.

5. Recording the submissions made by the learned Standing Counsel for respondents 1 to 3, the effective remedy lies in the arbitration proceedings and no further orders are required in this writ petition.

6. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous Petitions, if any pending, shall stand closed.

T.AMARNATH GOUD, J

Date: 29th April, 2019

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