

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

ARB-286-2017 (O&M)

Date of decision:- 29.03.2019

M/s Era Infra Engineering Ltd.

...Applicant

Versus

M/s Aerens Gold Souk International Ltd.

...Respondent

CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE

Present:- Mr. Shalender Mohan, Advocate,
for the applicant.

Mr. Sourabh Goel, Advocate,
for the respondent.

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KRISHNA MURARI, C.J. (ORAL)

A preliminary objection has been raised by learned counsel for the respondent that since invocation is not in accordance with clause 6.9 of the agreement, the applicant could not have invoked the jurisdiction of this Court for appointing an arbitrator. Reliance in support of the contention is placed on the judgement of the Hon'ble Apex Court in the case of *Indian Oil Corporation Vs M/s Raja Transport Pvt. Ltd.* 2009(8) SCC 520, wherein it has been observed that invocation of the arbitration clause has to be in accordance with the terms and conditions and could not be in violation of the procedure prescribed for the same in the agreement between the parties.

When confronted with the observation and the settled legal proposition, learned counsel for the applicant made a request to permit withdrawal of the application with liberty to invoke the arbitration clause in accordance with the terms and conditions of the agreement between the parties.

Prayer made is allowed.

Application is permitted to be withdrawn with the liberty prayed for.

**(KRISHNA MURARI)
CHIEF JUSTICE**

29.03.2019

Amodh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No