

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

LPA-1089-2019 (O&M)

Date of decision:- 29.05.2019

Emta Coal Limited

...Appellant

Versus

Punjab State Power Corporation Limited, Patiala and
others

...Respondents

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

Present:- Mr. D.S. Patwalia, Senior Advocate,
with Mr. Sangram S. Saron, Advocate,
Ms. Rukhmini Bobde, Advocate,
for the appellant.

* * * *

KRISHNA MURARI, C.J. (ORAL)

This intra court appeal under clause X of the Letters Patent is directed against the interim order dated 14.05.2019 passed by the learned Single Judge issuing notice of motion and staying further proceedings before the Arbitral Tribunal till the next date of hearing.

2. Ms. Rameeza Hakeem, learned counsel appearing for respondent No. 1, has raised an issue with respect to maintainability of this appeal.

3. Learned senior counsel appearing for the appellant has raised an issue about the maintainability of the writ petition itself before the learned Single Judge.

4. The matter was heard at some length, for the order impugned herein is an ex-parte order, and after issuing notice of motion, the matter is now fixed for 31.07.2019, and the appellant is yet to cause appearance in those proceedings, we rather deem it appropriate the appellant to approach the

learned Single Judge and move an appropriate application seeking vacation of the interim order and/or press/raise the issue regarding maintainability of the writ petition itself.

5. To this, learned senior counsel for the appellant submits that requisite application shall be made before the learned Single Judge within two days from today, but it be observed that in the event any such application is made, the same shall be decided within a specified time.

6. The appeal is accordingly disposed of leaving the issue of maintainability of the appeal to be decided in appropriate proceedings by providing that in case any such application, as indicated above, is made, the learned Single Judge shall make every endeavour to decide the same, particularly, the issue with regard to maintainability of the writ petition as a preliminary issue as expeditiously as possible preferably within six weeks from the date of making of the application subject to his Lordship’s convenience.

7. The pleadings shall be completed by the parties within four weeks from today.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

29.05.2019
Amodh

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