

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

**CWP No.25410 of 2016 (O&M)
Date of Decision.11.04.2019**

M/s Imperial Holiday Homes Limited

...Petitioner

Vs

State of Haryana and others

...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Vikas Mohan Gupta, Advocate
for the petitioner.

Mr. Rohit Aarya, AAG, Haryana.

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AMIT RAWAL J. (ORAL)

C.M. No.17956 of 2017

The application is allowed as prayed for.

CWP No.25410 of 2016

The present writ petition has been filed by the petitioner, who is signatory of an agreement dated 17.08.2007 (Annexure P-4) with respondent No.2 HSIIDC being a successful auction purchaser of shopping complex in Sector 4 at IMT/Manesar, Sector 4. The aforementioned agreement/allotment letter contained resolution of dispute through arbitration i.e. MD, HSIIDC or any other officer appointed by him.

Mr. Vikas Mohan Gupta, learned counsel appearing on behalf of the petitioner submitted that by drawing power from the aforementioned agreement, respondent No.2 appointed respondent No.3 as Arbitrator in the year 2010. Thereafter, petitioner received a

letter dated 1.1.2014 (Annexure P-21) whereby Director, Industries and Commerce-cum-Arbitrator, respondent No.4 was intimated to be appointed as Arbitrator. In lieu thereof, vide letter dated 07.02.2014 (Annexure P-22) received letter for further arbitration proceedings. However, during the interregnum, respondent No.4 wrote a letter intimating Managing Director that he being an IAS officer was not competent. Thereafter, vide letter dated 05.03.105 (Annexure P-23), respondent No.5 was appointed as the Arbitrator.

It was next contended that during the pendency of the writ petition, application under Section 16 of the 1996 Act was filed.

Learned counsel appearing for the State submitted that in view of pendency of the application, no cause as sought to be vindicated in the present writ petition survives.

I have heard learned counsel for the parties, appraised the paper book and of the view that regarding the relief sought in the writ petition regarding deduction of ₹1,06,22,808/-, this Court is reluctant to adjudicate upon the merits of the case, particularly, when the Arbitrator is already seized of the matter.

At this stage, learned counsel for the petitioner seeks liberty of this Court for withdrawal of the writ petition with liberty to pursue the application moved under Section 16 or seek its amendment and adjudication but submits that the same may be decided within a time bound manner.

Learned counsel for the respondent did not dispute the same.

Accordingly, the writ petition is dismissed as withdrawn

with liberty aforementioned. In case of amendment of the application as submitted by the petitioner, respondent No.5 shall make an endeavour to decide the application within a period of four weeks from the date of completion of the proceedings in the pending application.

(AMIT RAWAL)
JUDGE

April 11, 2019
Pankaj*

Whether Reasoned/Speaking	Yes
Whether Reportable	No