

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 572 of 2020**

M/s Ava Buildcon A Registered Firm, Through Its Partner, Rohit. Vishwakarma, S/o Shri R.S. Vishwakarma, Aged About- 36 Years, R/o House No. F-1, Anupam Nagar, Near T.V. Tower, Raipur, Tehsil And District- Raipur, Chhattisgarh

---- Petitioner**Versus**

1. Chhattisgarh Police Housing Corporation Limited Through Chairman Cum Managing Director, Old Police Headquarter S.I.B. Building, Civil Lines, Raipur, District- Raipur, Chhattisgarh
2. Executive Engineer Chhattisgarh, Police Housing Corporation Limited, Raipur, District- Raipur, Chhattisgarh

----Respondents

 For Petitioner

 : Shri Surfaraj Khan, Adv

Hon'ble Shri Justice P. Sam Koshy**Order on Board****10/02/2020**

1. The challenge in the present writ petition is to the order (Annexure P/1) dt. 25.01.2020 whereby respondent authorities have cancelled the contract which was awarded to the petitioner on account of non performance. In addition, an order for forfeiture of security deposit and recovery of loss caused has also been passed.
2. Perusal of record would show that under the contract entered into between the parties clause 28 clearly stipulates that any dispute which arises between the parties have to be resolved invoking Arbitration Clause.
3. In view of the fact that there is already an arbitration clause agreed between the parties, the writ Court would not have any power to adjudicate upon the dispute, at this juncture. The writ petition therefore is not maintainable and the same deserves to be and is

accordingly dismissed. However, the right of the petitioner stands reserved for availing remedies available under clause 28 i.e. (Arbitration Clause).

4. The writ petition accordingly stands dismissed.

Sd/-
(P. Sam Koshy)
Judge

Jyotijha