

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1685 of 2020

1. M/s Daulatram Brake Manufacturing Company, Through Its Sole Proprietor Ved Prakash Sharma, S/o Shri Madhusudhan Nath Sharma, Aged About 66 Years, Presently Posted And Working As The Managing Director Of Daulat Ram Brake Manufacturing Co., 25, New Sector, Phase- II, Industrial Area, Mandideep, Bhopal, (M.P.) 462046

---- Petitioner

Versus

1. South East Central Railway Through General Manager, New G.M. Building, Ground Floor South East Central Railway Bilaspur, C.G. 495004
2. Chief Material Manager, Office Of The Chief Material Manager, New G.M. Building Ground Floor, South East Central Railway Bilaspur, (C.G.) 495004
3. Dy. Chief Material Manager (C And W) New G.M. Building Ground Floor South East Central Railway Bilaspur, C.G. 495004

-----Respondents

For Petitioner	:	Mr. Vivek K. Agrawal, Advocate
For Respondents	:	Mr. Abhishek Sinha, Standing counsel

Hon'ble Shri Justice P. Sam Koshy

Order on Board

27.08.2020

1. The challenge in the present writ petition is to the demand notice issued to the petitioner issued by the respondents vide Annexure P-1 dated 30.12.2019.

2. The learned standing counsel for the respondent-Railways on instructions submits that it is a case where on an application moved by the petitioner, the respondents have acceded to his request and have already appointed an arbitrator who has proceeded with the matter. The learned Standing counsel further intimates that the dispute raised by the petitioner before the Arbitrator is the same dispute, which is raised in the present writ petition.
3. Given the said submission by the Standing counsel for the respondents-Railways, this Court is of the opinion that since the respondents have already appointed an arbitrator, the petitioner would have the liberty to approach the arbitrator for seeking any relief including the interim relief u/s 17 of the Arbitration Act. Another reason why this court is reluctant to entertain the writ petition is that the impugned demand notice arises after the contract of the petitioner stood canceled vide order dated 26.12.2019 and the order of cancellation of contract has not been challenged in the present writ petition. Unless the order of termination of Contract itself is challenged, the challenge to the consequential order arising out of the termination order would not be sustainable.
4. For the aforesaid reasons, this Court does not find any merits in the writ petition and the same stands rejected reserving the right of the petitioner to avail other remedies available under the provisions of law.

-3-

5. The present Writ Petition, accordingly stands dismissed.

Sd/-
(P. Sam Koshy)
Judge

Rahul