

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 168 of 2021**

- M/s Sanjay Agrawal 35-36, First Floor, Millenium Plaza, G.E. Road, Raipur, Thro' Proprietor Sanjay Agarawal, 58 Yrs, S/o Late Dr. Ramavtar Agrawal, 9b, South Avenue, Chaubey Colony, Raipur,, District : Raipur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Public Works Department, Mantralaya, Naya Raipur., District : Raipur, Chhattisgarh
2. Superintending Engineer Public Works Department, Kanker, District : Kanker, Chhattisgarh
3. Executive Engineer Public Works Department- Kondagaon., District : Kondagaon, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Raja Shrama, Advocate
For State	:	Mr. Gagan Tiwari, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****19.01.2021**

1. Heard
2. The present writ petition has been filed by the petitioner against the recovery notice dated 08.12.2020 (Annexure P/1) whereby a recovery has been sought for from the petitioner.
3. Learned counsel for the petitioner submits that pursuant to a contract, which rose an arbitral dispute, the matter is pending before the Superintendent of Engineer which would be evident from Annexure P/4 and the Superintendent of Engineer while is in the hold of the matter the recovery notice has been issued vide Annexure P/1 therefore the limited

prayer made by the petitioner is that till the dispute is resolved by arbitrator the recovery may be stayed.

4. Considering the submission made by learned counsel for the petitioner, it appears that the issue is already with the Superintendent of Engineer. Further any interim order passed by this Court would amount to exceeding the mandate under Section 9 of the Arbitration and Conciliation Act 1996 in exercise of power under Article 226 of the Constitution of India. Therefore under these circumstances, I am not inclined to stay the Annexure P/1 dated 08.12.2020. The Superintendent of Engineer who is arbitrating the issue may decide the arbitration as early as possible.
5. With the aforesaid observation/ direction, the writ petition stands disposed of.

sd/-
(Goutam Bhaduri)
Judge