

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO.273/2018

Tecpro Systems Ltd., through its Authorized Signatory Paritosh S/o
Prayag Singh
..Vs..
Steel Authority of India Ltd. and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. A.S. Dabadghao, Advocate with Mr. D.V. Chauhan, Advocate for the
petitioner.
Mr. S.C. Mehadia, Advocate for the respondents.

CORAM :- SUNIL B. SHUKRE AND
ANIL S. KILOR, JJ.
DATED :- 6.9.2021.

Heard.

2. The contention is that unless and until any amount found to be due and payable in the sense that the amount is admitted by the party or has been adjudicated upon by any court of law, no demand as has been made in the impugned communication dated 23.2.2015 for appropriating the amounts payable by the petitioner company towards dues recoverable by respondent No.3 from the petitioner company could be made. Reliance has been placed upon the case of *Gangotri Enterprises Limited V/s. Union of India and others* reported in (2016) 11 SCC 720 (paragraph 40). There can be no doubt about the principle of law stated in the said case Gangotri Enterprises Limited (supra) but, as rightly

submitted by Shri Mehadia, learned counsel for the respondents, the arbitration proceedings are pending and, therefore, if any remedy is to be afforded to the petitioner, it would be available in the arbitration proceedings where the petitioner can file an application for grant of injunction and other similar interim reliefs, which the petitioner has not done so far. The petitioner has not moved any application for seeking such reliefs in the arbitration proceedings. The alternate remedy being available and it being equally efficacious, this petition is not maintainable. The petition stands **dismissed**. No costs.

JUDGE

JUDGE