

10-05-2022
ct no. 13
Sl.21
pk

WPA 9866 of 2020
With
CAN 1 of 2022
M/s. Kalimata Vyapaar Private Limited & Anr.
-Versus-
The General Manager, Northern Railway & Ors.

Mr. Raja Basu Chowdhury,
Mr. Asif Hussain,
Mr. Kallol Saha
...for the petitioners

Ms. Aparna Banerjee
....for the respondent nos. 1 to 4

Mr. Avinash Kankani
...for the respondent no. 5.

CAN 1 of 2022 has been filed seeking restoration of an interim order passed by the Co-ordinate Bench on 9th December, 2020 which had expired by efflux of time on 15.02.2021.

Counsel for the petitioner submits that by reason of the orders of the Hon'ble Supreme Court passed during Covid period, interim order was extended till May, 2021.

This Court is of the view that since the issue as to whether there was a concluded contract at all between the parties, should be subject matter of the arbitration invoked by the petitioner, the writ petition need not be entertained.

The writ petitioner may seek arbitration of the disputes with the respondents in terms of the Arbitration Clause under the contract. The interim order dated 9th December, 2020 passed by a Coordinate Bench in this matter staying recovery of security money of Rs.59,59,348/- from the petitioner shall continue until 15th June, 2022 and abide by any order that may be passed by the Tribunal.

The Arbitral Tribunal shall proceed to adjudicate the disputes between the parties, uninfluenced by any observations of this Court in this writ petition.

With the aforesaid observations, the writ petition and the connected application are disposed of.

There will be no order as to costs.

(Rajasekhar Mantha, J.)