

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

226

**ARB No.303 of 2017
Date of Decision:29.09.2022**

FEDDERS ELECTRIC AND ENGINEERING LIMITED

-Petitioner

Vs

RK WIND LIMITED

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Kunal Saini, Advocate for
Mr.Angad Varma, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

The present petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 for appointment of sole Arbitrator to resolve the dispute between the parties.

Notice of motion was issued on 01.12.2017 and thereafter, the case was adjourned at the instance of the petitioner as the petitioner could not serve the respondent. On 08.02.2019, last opportunity was granted to the petitioner with a clear understanding that no more further time will be allowed for taking steps to serve the respondent in pursuant to the earlier order dated 16.03.2018. On 10.05.2019, none appeared on behalf of the petitioner and the case was dismissed for want of prosecution. Thereafter, the case was restored on 19.07.2019

on filing of CM No. 12761-CII of 2019 and the applicant-petitioner was directed to take steps to serve the respondent within a stipulated period.

On 22.11.2019, following order was passed:-

“Learned counsel for the petitioner submits that through order dated 14.08.2019, the National Company Law Tribunal Allahabad Bench in Company Petition No.(1B)75/ALD/2019 has admitted a petition filed under Section 7 of Insolvency and Bankruptcy Code, 2016 read with Rule 4 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rule, 2016 titled as State Bank of India versus M/s Feeders Electric and Engineering Limited and appointed Mr. Ashok Kumar Gulla as Interim Resolution Professional (IRP), who needs to be informed by learned counsel for the petitioner with regard to the pendency of the present petition so that he may take appropriate steps in accordance with law.

Adjourned to 30.01.2020.

(DEEPAK SIBAL)
JUDGE

November 22, 2019”

Thereafter, the last opportunity was granted on 30.01.2020 to serve the respondent. Respondent was not served even thereafter on 19.02.2020 and 11.05.2022. On 29.08.2022, last opportunity was granted to learned counsel for the petitioner to do the needful in the context of order dated 11.05.2022 before the adjourned date i.e. today.

Today, learned counsel appearing on behalf of the

petitioner submits that he has no instructions in the present case.

Since this case was filed in the year 2017, therefore, no further indulgence can be granted in favour of the petitioner in view of directions issued by the Hon'ble Apex Court in SLP (Civil) No.5306 of 2022 that the cases of this category which are pending for more than one year from the date of filing, must be decided within six months from 19.05.2022.

For the reasons recorded herein above, this Court has no alternative but to dismiss the present petition for want of prosecution.

Dismissed for want of prosecution.

(RAJ MOHAN SINGH)
JUDGE

29.09.2022

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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No