

320-a **IN THE HIGH COURT OF PUNJAB AND HARYANA**
 AT CHANDIGARH

1. **CR-2247-2022**
Date of decision : July 25, 2022

M/S JITF URBAN WASTE MANAGEMENT (JALANDHAR) LTD
.....Petitioner

Versus

MUNICIPAL CORPORATION OF JALANDHAR AND ANR
....Respondents

2. **CR-2248-2022**

M/S JITF URBAN WASTE MANAGEMENT(FEROZEPUR) LTD
.....Petitioner

Versus

MUNICIPAL CORPORATION OF MOGA AND ANRRespondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Anand Chhibbar, Senior Advocate with
Mr. Manish Gopal Singh Lakhawat, Advocate;
Mr. Aditya Jain, Advocate and
Mr. Ratik Sharma, Advocate for the petitioner.

Dr. Anmol Rattan Sidhu, Senior Advocate with
Ms. Mandeep Kaur, Advocate for respondent No. 1.

Ms. Ambika Bedi, AAG, Punjab.

LISA GILL, J.

Prayer in this revision petition is for setting aside order dated 26.05.2022 whereby learned Additional District Judge while considering petition under Section 34 of the Arbitration and Conciliation Act, 1996 (for short – Arbitration Act) alongwith the application under Section 36 (2) of the Act issued notice to the respondents and in the meanwhile directed interim stay in terms of prayer mentioned in the said application till the next date of hearing.

Operative part of impugned order dated 26.05.2022 reads as under:-

“ In view of the submissions made by learned counsel for the petitioner, interim stay is granted in terms of the pray mentioned in the stay application till next date of hearing, which shall be vacated on the next date of hearing automatically.”

Notice of motion had been issued in this revision petition by taking note of contentions on behalf of the petitioner to the effect that impugned order is totally non speaking, in complete violation of provisions of Section 36 (2) and (3) of the Arbitration Act, which apart from calling for due regard to provisions for grant of stay of money decree as per Civil Procedure Code, entails reasons to be recorded in writing while granting stay of operation of an award.

Dr. Sidhu, learned senior counsel for respondent No. 1 submits that order dated 26.05.2022 is a self-limiting one inasmuch as it is recorded therein that interim stay shall automatically stand vacated on 26.07.2022 i.e. tomorrow, therefore, it is further submitted that parties would address arguments before the learned Commercial Court and the matter can be adjudicated/decided by the said Court after considering arguments addressed by all the parties.

Learned counsel for the petitioner does not raise any objection thereto so long proper hearing is afforded to the petitioner before passing of any interim order by the learned commercial Court.

Keeping in view the facts and circumstances and the factual position as above, besides the stand of the parties, these revision petitions are disposed of with a direction that learned commercial Court shall not automatically extend the interim stay granted vide order dated 26.05.2022. Parties would be heard and it is

only thereafter that order regarding interim relief be passed in accordance with law.

It is clarified that there is no expression of opinion on the merits of the matter.

July 25, 2022
rts

(LISA GILL)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No