

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

231

CWP-4137-2020

Date of decision: 27.04.2023

M/S LORD SHIVA CONSTRUCTION CO.PVT. LTD.

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Sushant Kareer, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of Mandamus directing the respondents not to take coercive steps for seeking recovery from the petitioner till the adjudication of the claim by the petitioner under the Dispute Resolution System and a further challenge has been raised to the letter dated 08.01.2020 (Annexure P-36) whereby recovery has been directed against the petitioner.

It is not disputed by the counsel for the petitioner that there is an arbitration clause under the agreement and that an Arbitration Petition bearing No. 229 of 2022 has already been filed.

Learned counsel for the petitioner further apprises that an interim protection was extended to petitioner and the respondents were

CWP-4137-2020

-2-

restrained from taking any coercive measures for recovery of the amount from the petitioner vide order dated 14.02.2020.

Counsel for the State, however, points out that the agreement executed between the parties specifically provides for an arbitration clause and that the petitioner has already availed the aforesaid clause by filing an Arbitration Petition No. 229 of 2022. He further concedes that insofar as the issue of interim relief is concerned, the petitioner would have an efficacious remedy under the Arbitration & Conciliation Act, 1996 either under Section 9 where the arbitration proceedings have not commenced and/or under Section 17, as the case may be.

Learned counsel appearing on behalf of the petitioner does not dispute the fact that he has an alternative remedy for moving of an appropriate petition under the Arbitration & Conciliation Act, 1996 itself for seeking the interim relief.

In view of the same, he does not press the instant petition. He, however, places a request that since an interim protection was granted to the petitioner vide order dated 14.02.2020, such interim protection may be extended to the petitioner for a period of 03 weeks from today so as to enable the petitioner to file an appropriate application for seeking interim relief before a competent Court in accordance with law.

The present petition is accordingly disposed of as not pressed at this stage. The interim protection granted to the petitioner vide order dated 14.02.2020 is extended for a period of 03 weeks from

CWP-4137-2020 -3-

today so as to enable the parties to take recourse to the alternative remedies available to them in accordance with law for seeking interim protection from a Court of competent jurisdiction.

(VINOD S. BHARDWAJ)
JUDGE

APRIL 27, 2023
Vishal sharma

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