

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Date of decision:26.05.2023
FAO-1788-2023 (O&M)

1.

Municipal Corporation Faridabad and anr.

.....Appellants

Versus

Surender Kumar Kaushik

.....Respondent

2.

FAO-1793-2023

Municipal Corporation Faridabad and ors.

.....Appellants

Versus

M/s Square Outdoor Services

.....Respondent

3.

FAO-1800-2023

Municipal Corporation Faridabad and anr.

.....Appellants

Versus

Bishwajeet Das

.....Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. B.R. Mahajan, Sr. Advocate with
Mr. Samarth Sagar, Advocate and
Mr. Vicky Chauhan, Advocate for appellant(s)

Mr. Amit Jain, Sr. Advocate with
Ms. Shruti Mandhotra, Advocate,
Mr. Sanjeev Kumar Aggarwal, Advocate,
Mr. Tejas Bansal, Advocate and
Mr. Ojas Bansal, Advocate for respondent(s).

AVNEESH JHINGAN, J (Oral):

1. These three FAOs are filed aggrieved of interim protection granted vide order dated 08.02.2023. For the sake of convenience, facts are being taken from FAO NO.1788-2023.

2. The brief facts are that the respondent was successful bidder in tender for development, marketing and maintenance of unipoles and gantries in Old Zone Faridabad. The terms and conditions provided for dispute resolution through arbitration. The application filed by respondent under Section 9 of the Arbitration and Conciliation Act, 1996 (for short, 'the Act') was allowed on 08.02.2023. It was ordered that till the conclusion of arbitration proceedings, the appellant is restrained from creating third party rights and hindrances in activities carried out by the petitioner in terms of the concession agreement dated 07.10.2019.
3. The petitions filed under Section 11 of the Act by the respondents were allowed by this Court and Mr. Justice Rajiv Narain Raina, former Judge of this Court, has been appointed as an Arbitrator.
4. Without commenting on the merits of the case considering that one of the matter is already *subjudice* before the Arbitrator, the impugned order is modified to the extent that the parties seeking interim protection shall approach the Arbitrator within two weeks from today and make a request for an expeditious disposal of the application. The impugned order shall remain operative only till the application for interim relief is decided.
5. Appeals are disposed of.
- 6.. Since the main case(s) have been disposed of, pending application(s), if any, is rendered infructuous.
- 7.. A photocopy of this order be placed on the file of other connected matters.

(AVNEESH JHINGAN)

JUDGE

26.05.2023

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1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No