

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH****COCp-1348-2022 (O&M)
Date of decision: 16.03.2023****Rakesh Kumar Chaudhary****...Petitioner****Versus****Krishan Kumar and others****...Respondents****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Gurminder Singh, Sr. Advocate with
Mr. J. S. Gill, Advocate
for the petitioner.

Mr. Ayush Sarna, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner is alleging violation of the interim order dated 16.05.2022, passed by the Arbitral Tribunal, vide which, the respondents were restrained from taking coercive action pursuant to order dated 13.05.2022, however, despite the said order, the respondents have issued notice dated 17.06.2022 for encashment of the bank guarantee.

Learned State counsel, on the basis of the affidavit of Executive Engineer-cum-Mining Officer, Nangal Mechanical Division, SAS Nagar, which is on record, submits that due to some communication gap, a letter was written to the bank for encashment of the bank guarantee, however, on coming to know about the said order, no further action was taken and the bank guarantee was never encashed. Learned State counsel further submits that the respondent concerned has tendered his unqualified and unconditional apology for the same.

Learned State counsel further submits that they will not pursue

the bank guarantee till the decision by the competent authority.

Since there is no intentional disobedience of the aforesaid order, the explanation tendered by the respondent concerned is accepted.

In view of the above, the present petition is rendered infructuous.

Rule stands discharged.

16.03.2023
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*