

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

FAO No. 3571 of 2021 (O&M)

DECIDED ON: 22nd February, 2023

M/s Michelin India Private Limited

....APPELLANT

VERSUS

M/s Shiva Distributors and another

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Kanwaljit Singh, Sr. Advocate with
Mr. Munish Kumar Garg, Advocate
Mr. Bhawna Thakur, Advocate and
Mr. Vikas Mehra, Advocate for petitioner.

Mr. Ajay Gupta, Advocate for respondent No.1.
Mr. A.P.S. Sehgal, Advocate for respondent No.2.

AVNEESH JHINGAN, J (ORAL)

This appeal was filed aggrieved of order dated 11.10.2021 restraining the respondents from encashing the bank guarantee till the final outcome of petition under Section 11 of the Arbitration and Conciliation Act, 1996 (for short 'the Act').

The brief facts are that respondents raised a claim and sought appointment of Arbitrator under Section 11 of the Act. A petition under Section 9 of the Act was filed seeking interim relief which was allowed on 11.10.2021.

The operative part of order is reproduced below:

"Therefore, present petition under Section 9 of the Arbitration and Conciliation Act, 1996 is allowed. Respondents shall be restrained from encashing bank guarantees in question till the final outcome of petition under Section 11(6) of the Act pending before Hon'ble Punjab and Haryana High Court. "

It is agreed between the parties that petition under Section 11 of the Act was withdrawn on 20.2.2023 with liberty to avail remedy in accordance with law.

Considering that the petition under Section 11 of the Act has been withdrawn and the relief under Section 9 of the Act was only to the extent restraining the respondents till the final outcome of petition under Section 11 of the Act pending in this Court. The grievance that the respondents were restrained from encashing the bank guarantee, no longer exists.

Disposed of.

Since the main case has been decided, pending application, if any is rendered infructuous.

22nd February, 2023
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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>