

**237-2 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

FAO-3549-2021 (O&M)

Date of Decision: 24th February, 2023

Union of India and others

... Appellants

Versus

M/s Triveni Construction, College Road, Pathankot

. Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Arun Gosain, Advocate for the appellants.

Mr. J.S. Rana, Advocate for the respondent.

AVNEESH JHINGAN , J.(Oral)

1. The appeal is filed for setting aside the order dated 8.9.2021 passed by Additional District Judge, Pathankot.

2. Brief facts of the case are that the respondent was allotted a tender for sewerage treatment plan. The general terms and conditions provided for dispute resolution through arbitration.

3. The respondent filed a petition under Section 9 of the Arbitration and Conciliation Act, 1996 seeking injunction against the petitioner on implementation of letter proposing to take action of putting ban/suspension of issuance on further tenders by the respondent.

4. The petition was allowed on 8.9.2021 directing the appellant not to implement the letter till finalization of the arbitration or passing of the award by the arbitrator. The petition under Section 11 of the Act filed by the respondent for appointing the arbitrator was allowed today by this Court.

5. Learned counsel for the appellant submits that the impugned order is unsustainable in law, it provides a blanket stay to the respondent. The letter was only show cause to the respondent.
6. Learned counsel for the respondent submits that issue of suspension or putting a ban on further issuance of the tender was related to the dispute for which arbitrator has been appointed.
7. The letter was only proposing as to why there should not be a ban or suspension on allotment of tender. As on date, there is no occasion to put the said letter at hold if there is a cause of action available with the respondents for banning or suspending the allotment of tender to the respondent. In any case, there is no order passed against the petitioner.
8. The impugned order is set aside. Petition is disposed of with liberty to the parties to avail remedies in accordance with law, in case, need so arises.
9. Since the main case has been decided, the pending application(s), if any is rendered infructuous.

**(AVNEESH JHINGAN)
JUDGE**

24th February, 2023

anuradha

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No