

201 RA-CR-114-2022 in
ARB-512-2021

**M/S LORD SHIVA CONSTRUCTION COMPANY VS THE
HARYANA STATE CO-OP LABOUR AND CONSTRUCTION
FED. LTD. AND ANR**

Present: Mr. Lajpat Sharma, Advocate for
Mr. Vivek Khatri, Advocate
for the applicant-petitioner.

The present review application has been filed under Order 47 Rule 1 CPC read with Section 151 CPC for review of order dated 14.10.2022 passed by this Court in Arbitration case No.512 of 2021.

Vide the aforesaid common order, ARB No.170 of 2017 and ARB No.512 of 2021 were decided.

The issue involved in both the cases was in respect of deposit of refundable security amount in terms of Section 25.A.5 of the contract agreement. During course of arguments, at one point of time, learned counsel for the petitioner was specifically asked as to whether the petitioner is ready to deposit 10% of the amount claimed in order to avail the benefit of arbitration clause. On the option so given, learned counsel for the petitioner obtained the necessary instructions from his client and thereafter submitted that the petitioner is not interested in depositing any amount towards the pre-deposit. Thereafter this Court proceeded to decide the case on the basis of facts and legal position emerging from **M/s ICOMM Tele Ltd. Vs. Punjab**

State Water Supply & Sewerage Board and Anr., 2019(5)

R.C.R. (Civil) 242 and **S.K. Jain vs. State of Haryana, 2009(2)**

R.C.R. (Civil) 202.

Notice of this review application was issued to the office of Mr. Lokesh Sinhal, Advocate for the respondents but none has appeared on behalf of the respondents.

I have heard learned counsel for the applicant-petitioner at length.

Learned counsel cannot be permitted to re-argue the case even on the ground that the statement of fact recorded in para no.16 of the judgment was only in respect of ARB No.170 of 2017 and not in ARB No.512 of 2021.

Since Mr. Vivek Khatri, Advocate was representing the petitioner(s) in both the cases, therefore, option to deposit the amount towards pre-deposit was made in both the cases to which a specific reply was made by learned counsel for the petitioner in negative.

For the reasons recorded above, there is no ground to interfere in the review application. The review application is accordingly dismissed.

(RAJ MOHAN SINGH)
JUDGE

August 1st, 2023

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