

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

2024.PHHC.083571



Arbitration Case No. 288 of 2024 (O&M)

Date of Decision: 05.07.2024

The Colonel's Education Society

.....Petitioner

versus

Haryana Urban Development Authority and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA, ACTING CHIEF JUSTICE

Present : Mr. Nitish Pande, Advocate, for the petitioner.
Mr. Deepak Balyan, Addl. Advocate General, Haryana.

G.S.SANDHAWALIA, ACTING CHIEF JUSTICE (Oral)

The present application has been filed by the petitioner under Section 11 of the Arbitration and Conciliation Act, 1996 for appointment of an independent Arbitrator.

2. A perusal of the record would go on to show that apparently there was an order passed by the authorities under the statutory provisions and the revision petition had been rejected by the Additional Chief Secretary, Government of Haryana dated 29.08.2023 (Annexure P-10). Apparently, Civil Writ Petition No. 1740 of 2024 was filed by the petitioner challenging the same but the same was dismissed as withdrawn on 04.04.2024 (Annexure P-11) on account of some incurable defects with liberty to file afresh with better particulars.

3. Instead of filing the second writ petition as noticed, a notice dated 10.04.2024 (Annexure P-12) was served by the petitioner upon the respondents praying for appointment of an arbitrator. In such circumstances, apparently having been given liberty to file the second writ petition, the said course of action as such cannot be permitted.

4. Faced with this situation, learned counsel for the petitioner submits that he may be permitted to withdraw the present petition so that the petitioner can avail the liberty already granted.

5. In view of the prayer made, the petition is dismissed as withdrawn.

(G.S.SANDHAWALIA)
ACTING CHIEF JUSTICE

05.07.2024
ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	√Yes/No