

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

107+260

CWP-14427-2023 (O&M)
Date of decision: 10.01.2024

Tata Power Company Ltd.

...Petitioner

VERSUS

Micro & Small Enterprise Facilitation Council and anr.

...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Ms. AteevRaj Sandhu, Advocate;
Mr. Sidakmeet Sandhu, Advocate;
Mr. Abhishek Mangia, Advocate;
Mr. Shri Venkatesh, Advocate; and
Mr. Harshvardhan, Advocate for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

CM-357-CWP-2024

The instant application has been filed for releasing the amount deposited by the applicant-petitioner in the light of order dated 12.12.2023 (Annexure A/2) passed by the Hon’ble Supreme Court in SLP (Civil) Diary No.48201 of 2023.

The consent order of Hon’ble Supreme Court as appended with this application is extracted as under:

“xxxx

- 1. The impugned judgment/order dated 12.04.2023 passed in Arbitration Petition No. 1415 of 2022 titled “Tata Power Company Limited vs. Genesis Engineering*

Company” is set aside.

- 2. The arbitral award dated 18.05.2023 is set aside in exercise of power of this Court under Article 142 of the Constitution of India.*
- 3. Arbitration proceedings shall commence by appointing a neutral arbitrator. The arbitration shall be in accord with, and under the Micro, Small and Medium Enterprises Development Act, 2006.*
- 4. The amount deposited by the respondent – Tata Power Company Limited before the High Court of Punjab and Haryana at Chandigarh will be refunded along with the interest accrued thereon, if any.*

xxx”.

It is evident from the perusal of the above said order that the Hon’ble Supreme Court has directed to refund of the money along with the accrued interest thereupon deposited by the applicant-petitioner/company in compliance with the order dated 14.07.2023, to be released to the petitioner as per law. Further, it is noticed that as the arbitration proceedings have been directed to commence by appointing a neutral Arbitrator and the Arbitral Awards dated 18.03.2023 and 12.04.2023, challenged before this Court have been set aside with the consent of the parites and a neutral Arbitrator has been appointed, the grievance in the present petition also does not survive.

Application is allowed.

The amount deposited with the Registry of this Court may be remitted back to the account of the applicant-petitioner/Company as detailed in Paragraph 3 of the instant application.

Main case:

In view of the aforesaid order passed in CM-357-CWP-2024, the present writ petition is disposed of as having been rendered infructuous.

All other pending criminal misc. applications, if any, stands disposed of.

(VINOD S. BHARDWAJ)
JUDGE

10.01.2024
Mangal Singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No