

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Arbitration Case No. 3 of 2013 (O&M)
Date of Decision: 13.09.2013

MLGC-ECC-VIPL (Joint Venture) ..Petitioner

Versus

HOUSEFED, Punjab ..Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY KISHAN KAUL, CHIEF JUSTICE.

Present : Mr. Sunil Chadha, Advocate, for the petitioner.
Mr. D.V.Sharma, Sr. Advocate with
Ms. Madhu Sandhu, Advocate, for the respondent.

SANJAY KISHAN KAUL C.J. (Oral)

The attention of this Court is invited to Clause 25-A being 'Dispute Resolution Clause' and it is the say of learned Senior Counsel for the respondent that even first step for making a reference of dispute to the Engineer-in-charge for settlement has not taken place. The question of reference of dispute to arbitration could only arise thereafter and that too requiring the petitioner to deposit 10% of the amount so claimed. Thus the petition is pre-mature.

Learned counsel for the petitioner faced with the aforesaid position seeks leave to withdraw the petition with liberty to proceed in accordance with Clause 25-A being 'Dispute Resolution Clause'. At his request, all the questions as raised in this petition are left open.

Petition is dismissed as withdrawn in the aforesaid terms.

(SANJAY KISHAN KAUL)
CHIEF JUSTICE

13.09.2013

'ravinder'