

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Arbitration Case No. 105 of 2013 (O&M)
Date of Decision: 26.07.2013

Ram Kishan

..Petitioner

Versus

State of Haryana and others

..Respondents

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

Present : Mr. Saurabh Dalal, Advocate, for the petitioner.

SANJAY KISHAN KAUL C.J. (Oral)

CM No. 15696-CII of 2013

The petition has been taken up on board for hearing and thus the application has become infructuous. Accordingly, the application is disposed of.

Arbitration Case No. 105 of 2013 (O&M)

On being asked to point out as to how the arbitration clause has been invoked without complying with the conditions of the pre-deposits as laid down in Sub Clause 7 of Clause 25-A of the agreement, learned counsel for the petitioner states that nothing has been stated in the petition as to whether the amount has or has not been deposited. It is trite to say that if the amount has not been deposited than the arbitration clause could not have been invoked in view of the judgment of the Supreme Court in case **Municipal Corporation, Jalabpur and others Vs. M/s Rajesh Construction Company 2007(5) SCC 344.** While on the other hand if the amount has been deposited than a petition should have been filed making such allegations and enclosing the proof of deposits.

The petition is dismissed with liberty to file proper petition at the appropriate stage.

(SANJAY KISHAN KAUL)
CHIEF JUSTICE

26.07.2013

'ravinder'