

Dipak Agrawal Vs M/s Shriram Transport Finance Co. Ltd. And Ors

Court: Chhattisgarh High Court

Date of Decision: Aug. 26, 2019

Acts Referred: Arbitration And Conciliation Act, 1996 & Section 31(5), 34, 34(3)

Hon'ble Judges: Goutam Bhaduri, J

Bench: Single Bench

Advocate: Varun Sharma, Ratnesh Kumar Agrawal

Final Decision: Disposed Of

Judgement

Goutam Bhaduri, J

1. Heard.

2. The instant petition is filed for the following reliefs:-

i) That the Hon'ble court may kindly be pleased to direct the Resp. No - 2 to refund the earnest money, in the interest of justice.

ii) That the Hon'ble court may kindly be pleased to quash the orders dated 22-02-16 and the order dated 09-05-16, in the interest of Justice.

iii) That this Hon'ble Court may graciously be pleased to admit the matter & issue a writ in the nature of Mandamus commanding the respondents

particularly the Resp. no/2 and each of not to take any steps or further steps in terms of the impugned order dated 9th May, 2016 passed by the

Appellate Authority of the Resp. no/2.

iv) That this Hon'ble Court may graciously be pleased to issue a writ in the nature of Prohibition prohibiting the respondents particularly the Resp. no/2

and each of them from taking any corrosive steps or further steps in terms of the impugned order dated 9th May, 2016 passed by the Appellate

Authority of the Resp. no/2.

v) That this Hon'ble Court may graciously be pleased to issue a writ in the nature of certiorari calling upon the respondents and/or their men, agents

and/or subordinates to certify and transmit to this Hon'ble Court all records relating to the instant case so that the same may be perused by Your

Lordships and conscionable justice may be done.

vi) That the Hon'ble court may kindly be please to issue Rule NISI in terms of the prayers above.

vii) That the Cost of and incidental to this application/petitioner be paid by the respondents.

viii) Any other relief / direction(s) order(s) which deemed to be fit under the facts and circumstances of the case.

3. It is contended that initially after the withdrawal from the tender process because of the fault of one of the employee, the company instead of

locking horns with the respondent, admitted the same and acceded to forfeiture of the earnest money and banning period which was for two years was

subsequently reduced from two years to one year. It is the further contention that during the banning period the petitioner was also been able to

participate in different tenders. Consequently, at the moment the petition has become infructuous.

4. In view of the above fair submission made by learned counsel for the petitioner, the petition is disposed of as infructuous as the initial banning period

of one year has lost its life with the passage of time.