THE HIGH COURT OF MEGHALAYA AT SHILLONG

: ORDER:

Arb. A. NO. 1 OF 2016

Rushydro International, AG & Another :: Appellants

Versus

NEEPCO & Another :: Respondents

Date of Order :: 26.02.2018

HON'BLE THE CHIEF JUSTICE SHRI TARUN AGARWALA HON'BLE SHRI JUSTICE S.R. SEN

Shri Promod Nair, for the appellants.

Shri VK Jindal, Sr. Adv. with Ms. MK Marak for the respondents.

BY THE COURT: (per Hon'ble the Chief Justice) (Oral)

We have heard Shri Promod Nair, learned counsel for the appellants and Shri VK Jindal, learned senior Advocate for the opposite parties.

Against the encashment of the Bank Guarantees, the appellants moved an application under Section 9 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the Act) before the Court of the Additional Deputy Commissioner (Judicial), which was rejected against which the present appeal under Section 37 of the Act was filed. This Court by an interim dated 26.04.2016 issued an interim order restraining the respondents from encashing one Bank Guarantee. This interim order dated 26.04.2016 is still continuing till date.

We have been informed that the petitioners subsequently raised the dispute which has been now referred by the Supreme

Court to a sole Arbitrator and that the first sitting was held on 16.02.2018 and the next sitting would be held on 14.05.2018.

In the light of the aforesaid, we see no reason in the continuance of this appeal since the matter is now being addressed by the Arbitrator. We accordingly, dispose of the present appeal permitting the appellants to move an appropriate interim application under Section 17 of the Act before the sole Arbitrator. If such application is filed, the Arbitrator will consider and pass appropriate orders after hearing all the parties concerned. The interim order passed by this Court dated 26.04.2016 will continue to operate till 30.05.2018 or till an order is passed by the Arbitrator, whichever is earlier.

This appeal is disposed of.

JUDGE

CHIEF JUSTICE

Sylvana

Item No. 4