

Hscl-sipl (Jv) Vs. National Highways Authority of India

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Court : Kolkata

Decided On : Aug-10-2010

Judge : I . P. Mukerji, J.

Appeal No. : AP No. 118 of 2009

Appellant : Hscl-sipl (Jv)

Respondent : National Highways Authority of India

Advocate for Def. : Mr.Bhudeb Chatterjee, Adv.

Advocate for Pet/Ap. : Mr.Utpal Bose, Adv.

Judgement :

The Court : The averments made in the Section 9 application do not show that this Court has jurisdiction. However, it is very extraordinary that such point was not taken at the earliest stage.

As a consequence interim orders have been passed whereby the respondent has been directed to keep the bank guarantee amount in a separate account.

Although I have no option but to dismiss the application, but since affidavits have been filed in this matter and the rights of the parties have been altered because of the pendency of this application before this Court, the parties are directed to maintain status quo amongst themselves with regard to the contract for a period of four weeks from date to enable the petitioner to approach the appropriate forum.

On expiry of such period of four weeks or upon the petitioner approaching the forum, whichever is earlier, this order will stand vacated.

All parties concerned are to act on a signed photocopy of this order on the usual undertakings.

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