

(2022) 06 KL CK 0286

In the High Court Of Kerala

Case No : Original Petition (C) No. 1101 Of 2022

M/s Asad Engineering Solutions Pvt. Ltd

APPELLANT

Vs

Mrs.Viimala Sashi

RESPONDENT

Date of Decision : 24-06-2022

Acts Referred:

Constitution of India, 1950 — Article 227

Arbitration and Conciliation Act, 1996 — Section 9, 37, 37(1)(a)

Citation : (2022) 06 KL CK 0286

Hon'ble Judges : C.S Dias, J

Bench : Single Bench

Advocate : Varghese P.Chacko, Dennis Varghese

Final Decision : Dismissed

Judgement

C.S DIAS,J.

1. The original petition is filed to set aside the order in IA No.8/2022 in OP (Arb) No.3/2021 passed by the Court of the Subordinate Judge , Thalasserry.
2. Undisputedly, Ext P1 order has been passed under Sec.9 of the Arbitration and Conciliation Act, 1996 (in short ` Act).
3. Sec.37 (1) (a) of the Act provides for the remedy of appeal against any order granting or refusing to grant any measure under Sec.9 of the Act.
4. The Hon'ble Supreme Court in Bhavan Construction vs. Sardar Sarovar Narmada Nigam Ltd [(2022) 1 SCC 75] and Deep Industries Ltd v. Oil and Natural Gas Corporation Ltd and another [(2020) 15 SCC 706] has categorically held that the High Court shall only in the case of exceptional rarity interfere with arbitral process initiated under the Act, under Articles 226 and 227 of the Constitution of India.
5. In the light of alternative and efficacious remedy provided under Sec.37 of the Act and the ratio laid down in Bhavan Construction and Deep Industries Ltd

(supra), I am not inclined to exercise the supervisory jurisdiction of this Court under Article 227 of the Constitution of India. Hence, without prejudice to the right of the petitioner to seek for modification/variation of Ext P1 order before the same Court or challenge the same as contemplated under the Act, this original petition is dismissed.