
(2018) 02 MEG CK 0009
In the Meghalaya High Court
Case No : 1 of 2016

Rushydro International, AG & Another	APPELLANT
Vs	
NEEPCO & Another	RESPONDENT

Date of Decision : 26-02-2018

Acts Referred:

[Arbitration and Conciliation Act, 1996](#), [Section 37](#), [Section 9](#), [Section 17](#) -
Appealable orders - Interim measures, etc., by Court - Interim measures ordered by
arbitral Tribunal

Citation : (2018) 02 MEG CK 0009

Hon'ble Judges : Tarun Agarwala, S.R. Sen

Bench : Division Bench

Advocate : Promod Nair, VK Jindal, MK Marak

Final Decision : Disposed off

Judgement

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

2. 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.

3. 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.

4. 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.

5. This appeal is disposed of.