
(2021) 11 SHI CK 0076
In the High Court Of Himachal Pradesh
Case No : Arbitration Case No. 81 Of 2020

Som Bhadra Traveller

APPELLANT

Vs

Managing Director And Others

RESPONDENT

Date of Decision : 22-11-2021

Acts Referred:

Arbitration And Conciliation Act, 1996 — Section 9

Citation : (2021) 11 SHI CK 0076

Hon'ble Judges : Ajay Mohan Goel, J

Bench : Single Bench

Advocate : Suneet Goel, Vikas Rajput

Final Decision : Disposed Of

Judgement

Ajay Mohan Goel , J

1. By way of this petition filed under Section 9 of The Arbitration and Conciliation Act, 1996, the petitioner has prayed for the following relief:-

"It is, therefore, respectfully prayed that the present petition may kindly be allowed and during the pendency of the present petition, interim directions may be issued against the respondents from disengaging the four Volvo buses deployed by the petitioner bearing registration No. HP72B-1315, HP72B-1318, HP72B-1316 & HP71B-1317 which were plying on Dharampur-Sarkaghat-Bilaspur-Delhi route and another bus on Mcleodganj-Dharamshala-Delhi route. Any other or further order which this Hon'ble Court may deem fit in the facts and circumstances of the case may also be granted in favour of the petitioner and justice be done."

2. When the case was taken up for consideration on 22.07.2021, the following order was passed:-

"When this case was taken up for consideration today, learned counsel for the petitioner submits that the entire issue can be put to a quietus in case in terms

of the previous agreement entered into between the petitioner and respondent/ Corporation, the fleet of the petitioner attached with the respondent-Corporation can be permitted to run for a further period of four months, from such date, as may be communicated by Himachal Road Transport Corporation (HRTC).

Learned counsel for the respondents submits that the matter be taken up next week to enable him to have specific instructions in this regard.

As prayed for, list on 29.07.2021. Interim to continue."

Thereafter, when the case was again listed on 02.09.2021, the following order was passed:

"This case has been listed on a mention so made by learned counsel for the petitioner. He submits that the buses of the operators similarly situated as the petitioner have been permitted to be plied by the respondent-Corporation on the directions of the Managing Director alone whereas the buses of the petitioner are not being permitted to be plied on the ground that his case stands referred to the Board of Directors of the respondent-Corporation.

Mr. Vikas Rajput, learned counsel for the respondents submits that the operators, whose buses have been permitted to be plied by the Managing Director, are those whose contracts with the respondent-Corporation are still in existence, whereas as the contract of the petitioner has already expired, therefore, his case has been referred to the Board of Directors and appropriate decision is likely to be taken upon the same by the Board of Directors by the end of this month. He submits that the operators whose buses have been permitted to be plied by the order of the Managing Director are differently situated as from the petitioner.

Be that as it may, as Board of Directors of the respondent-Corporation is seized of the matter, learned counsel for the respondent-Corporation is directed to impress upon the Board of Directors to do the needful on or before the next date of hearing.

List on 23.09.2021, as prayed for."

This was followed by the following order being passed on 29.10.2021:-

"Mr. Vikas Rajput submits that as per his instructions, the decision has been taken by the Board of Directors with regard to extension of 118 days' time in favour of the petitioner for plying of the buses in issue. He further submits that the buses will be permitted to be plied when in routine, Volvo buses are ordered to be plied by the Board.

Mr. Goel submits that Volvo buses are being permitted to be plied by the HRTC.

Mr. Rajput submits that he will have definite instructions in this regard by the next date of hearing. As prayed for, list for consideration on 10th November, 2021."

3. Today, learned counsel for the respondent has produced a copy of

communication dated 12th November, 2021, which has been addressed to the petitioner by the Managing Director of the respondent- Corporation, in terms whereof, the agreement entered into between the parties, i.e., the petitioner and the respondents for providing four Volvo buses dated 17th July 2015, which was terminated on 04.07.2020 w.e.f. 21.03.2020 stands extended for a period of 118 days in terms of the said communication. In this view of the matter, no further order is required to be passed in the present petition and the same is closed, so also pending miscellaneous applications, if any. Copy of communication dated 12th November, 2021 is ordered to be taken on record.