

(2025) 02 TEL CK 0970
In the Telangana High Court
Case No : Writ Petition No.15181 of 2024

S.R. Technologies (Unit-II)

APPELLANT

Vs

India Glycols Limited

RESPONDENT

Date of Decision : 06-02-2025

Acts Referred:

National Investigation Agency Act, 2008 — Section 21
Unlawful Activities (Prevention) Act, 1967 — Section 13(1), 18, 15, 45
Indian Penal Code, 1860 — Section 34, 120(B), 121, 141, 153
Code of Criminal Procedure, 1973 — Section 4, 225, 226, 227, 228, 229, 230, 231,
232, 233, 234, 235, 236, 237

Citation : (2025) 02 TEL CK 0970

Hon'ble Judges : K. Lakshman, J;B.R.Madhusudhan Rao, J

Bench : Division Bench

Advocate : Shaik Muhammed Abed, P.Vishnuvardhana Reddy

Final Decision : Dismissed

Judgement

Abhinand Kumar Shavili, J

1.This Writ Petition is filed challenging the order dated 17.11.2023, passed in I.A.No.347 of 2023 in C.O.P.No.25 of 2023 by the Special Judge for Trial and Disposal of Commercial Disputes, Ranga Reddy District (for short, 'the Commercial Court').

2. Heard Sri G. Satya Jagannath, learned counsel appearing for the petitioner and Sri M. Venkanna, learned Senior Counsel appearing for the respondents.

3. Learned counsel appearing for the petitioner had contended that aggrieved by the award, dated 28.10.2021 passed by the Micro and Small Enterprise Facilitation Council, Medchal-Malkajgiri (MSEFC), respondent No.1 has filed C.O.P.No.25 of 2023 under Section 34 of Arbitration and Conciliation Act, 1996 (for short, 'the Act') before the Commercial Court. Learned counsel for the petitioner had further contended that along with C.O.P.No.25 of 2023, respondent No.1 has also filed I.A.No.347 of 2023 to condone the delay in

preferring the petition, which is contrary to Section 34 (3) of Arbitration and Conciliation Act. The Commercial Court has allowed the said I.A. and permitted respondent No.1 to file C.O.P.No.25 of 2023 under Section 34 of the Act. Learned counsel for the petitioner had further contended that the said petition cannot be entertained beyond 120 days. Therefore, appropriate orders be passed in the Writ Petition by setting aside the order dated 17.11.2023, passed in I.A.No.347 of 2023 in C.O.P.No.25 of 2023 by the Commercial Court.

4. On the other hand, learned Senior Counsel had contended that respondent No.1 was pursuing his remedies by challenging the award, dated 28.10.2021 in W.P.No.16918 of 2022 and the said Writ Petition was allowed vide order, dated 14.09.2022. Challenging the said orders passed by the learned Single Judge in W.P.No.16918 of 2022, the petitioner has preferred W.A.No.734 of 2022 and the said Writ Appeal was allowed vide order, dated 21.03.2023 by setting aside the order, dated 14.09.2022 passed in W.P.No.16918 of 2022. Aggrieved by the said orders passed by the Division Bench of this Court in allowing the Writ Appeal, respondent No.1 has carried out the matter to the Honourable Supreme Court by filing S.L.P. (c) No.9899 of 2023, and the said S.L.P. was dismissed on 04.05.2023 by giving liberty to respondent No.1 to challenge the award, dated 28.10.2021 under Section 34 of the Act, since he was pursuing his remedies bonafidely in a wrong forum. The benefit of Section 14 of the Limitation Act was extended in favour of respondent No.1. Therefore, there are no merits in the Writ Petition and the same is liable to be dismissed.

5. This Court, having considered the submissions made by the parties, is of the view that the present Writ Petition can be disposed of requesting the Commercial Court to dispose of C.O.P.No.25 of 2023 as expeditiously as possible, as the matter pertains to the year 2021.

6. With the above observations/directions, the Writ Petition is disposed of. No order as to costs.

7. As a sequel, miscellaneous applications pending if any, shall stand closed.