

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 07TH DAY OF MARCH 2019

BEFORE

THE HON'BLE MR. JUSTICE ALOK ARADHE

WRIT PETITION NO.52898 OF 2017 (GM-RES)

BETWEEN:

RSV Constructions Pvt. Ltd.,
B-1 F-1, 6-3841/74, Ameerpet,
Hyderabad-500 016 (TS),
Represented by its,
Managing Director.

... Petitioner

(By Smt. Jyothi B. Kangokar, Advocate)

AND:

1. Chief Administrative Officer,
Construction,
South Western Railway,
18-Millers Road,
Bengaluru-560 046.
2. Chief Engineer (West) Construction,
South Western Railway,
18-Millers Road,
Bengaluru-560 046.
3. Deputy Chief Engineer,
Construction,
South Western Railway,
Office of Deputy Chief Engineer,
(Construction),
Mysuru-20.
4. The General Manager,
South Western Railway,

3rd Floor, East Wing,
New Zonal Building,
Gadag Road,
Hubballi-580 020.

5. A. K. Malik,
Chief Engineer/Track Procurement &
Presiding Arbitrator,
3rd Floor East Wing,
South Western Railway,
Office of Principal Chief Engineer,
New Zonal Building, Gadag Road,
Hubballi-580 020.
6. Shri. Ram Gopal,
CE/CN/South &
Co-Arbitrator,
18, Millers Road,
South Western Railway,
Bengaluru Cantt-46.
7. Smt. P. V. Leela,
FA & CAO/CN & Co-Arbitrator,
18, Millers Road,
South Western Railway,
Bengaluru Cantt-46.

... Respondents

(By Sri. N. S. Sanjay Gowda, Advocate for R1 to 4;
Notice not ordered in r/o R5-7)

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India, praying to direct the R-1 to 4 to refer balance claims No.4 and 5 referred in claim notice and 18.03.2015 vide Annexure-B to Arbitral Tribunal constituted by R1 to 4 and etc.,

This Petition coming on for *Preliminary Hearing*, this day, the Court made the following:-

ORDER

Smt. Jyothi B. Kangokar, learned counsel for the petitioner.

Sri. N.S. Sanjay Gowda, learned counsel for respondent Nos.1 to 4.

Petition is admitted for hearing. With the consent of learned counsel for the parties, the same is heard finally.

2. Learned counsel for the petitioner has filed a memo seeking leave of this Court to withdraw the writ petition with liberty to file an application/petition under Section 11 of the Arbitration and Conciliation Act, 1996 and other relevant provisions of law.

Accordingly, petition is dismissed as withdrawn with liberty as aforesaid.

**Sd/-
JUDGE**

Mds/-