

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petitions for Special Leave to Appeal (Civil) Nos.12329-12345/2013  
(From the judgment and order dated 19/12/2012 in LPA  
Nos.1259, 1260, 1268, 1269, 1270, 1271, 1272, 1279, 1280, 1281, 1282, 1283,  
1284, 1286, 1287, 1326, and 1327 of 2012 of The HIGH COURT OF GUJARAT AT  
AHMEDABAD)

GAIL (INDIA) LTD. Petitioner(s)

VERSUS

BHAVANI CHEMICALS & ANR.ETC. Respondent(s)

(With prayer for interim relief and office report)

Date: 12/04/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR  
HON'BLE MR JUSTICE PINAKI CHANDRA GHOSE

For Petitioner(s) Mr. Gourab Banerji, ASG  
Mr. Sahil Tagotra, Adv.  
Mr. S.A. Haseeb, Adv.  
Mr. N.L. Ganapathi, Adv.

For Respondent(s) Mr. Huzefa Ahmadi, Sr. Adv.  
Mr. Mihir Joshi, Sr. Adv.  
Mr. Yadunandan Bansal, Adv.  
Mr. Abhijat P. Medh, Adv.

UPON hearing counsel the Court made the following  
O R D E R

Mr. Gourab Banerji, learned Additional Solicitor General  
appearing for the petitioner, submits that before the High Court  
it was specifically submitted that the High Court ought not to  
entertain the writ petition in the presence of a categorical  
arbitration clause in

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the contract. Since an alternative efficacious remedy was  
available to the respondents, the High Court ought to have  
relegated them to the remedy of arbitration. A perusal of the  
judgment, however, indicates, such a point was not raised before  
the High Court. The High Court has, in fact, disposed of the  
writ petition on the point that the writ petition would be  
maintainable against the petitioner as it is an instrumentality  
and agency of the Union of India. In these circumstances, in  
case the petitioner still wishes to pursue the line of argument  
that an efficacious alternative remedy was available to the  
respondents, the same ought to be raised by way of an  
appropriate proceedings before the High court and not in the

present special leave petitions.

In view of the aforesaid observations, learned counsel for the petitioner makes a prayer to withdraw the special leave petitions with liberty to approach the High Court for appropriate relief. The prayer is allowed. Accordingly, the special leave petitions are

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dismissed as withdrawn with liberty to approach the High Court for appropriate relief. In the event, any application/petition is filed before the High Court, the same shall be decided uninfluenced by any observation made in this order.

|(VINOD LAKHINA)  
|COURT MASTER

|(INDU BALA KAPUR)  
|COURT MASTER

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