

**IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(STATUTORY ORIGINAL JURISDICTION)**

Arbitration Application No.28 of 2016.

IN THE MATTER OF:

An application under Section 7Ka of the
Arbitration Act, 2001.

And

IN THE MATTER OF:

The Joint Venture of
China Major Bridge Engineering Company
Limited and Project Builders Limited, (MBEC-
PBL, JV).

..... Petitioner.

-Versus-

Chief Engineer, Road and Highways Department
and others.

..... Respondents.

No one appears.

..... For the Petitioner.

Mr. S.M. Zahurul Islam, Advocate.

..... For the Respondents.

The 17th day of July, 2025.

Present:

Mr. Justice Md. Toufiq Inam

This application under section 7A of the Arbitration Act, 2001 was filed by the petitioner, China Major Bridge Engineering Company Limited and Project Builders Limited (MBEC–PBL, JV), seeking an order of injunction restraining the respondents from deducting an amount of Tk. 14,13,71,598.75 from the bill of another ongoing project being executed by the petitioner.

By order dated 08.09.2016, this Court admitted the application and issued a Rule calling upon respondent No. 1 to show cause within 7 days of receipt of the certified copy of the order as to why the operation of the notice dated 01.09.2016, issued by respondent No. 3 demanding payment of Tk. 14,13,71,598.75 (Annexure-X), should not be stayed, and/or why such other or further order or orders should not be passed as this Court may deem fit and proper.

At the time of issuance of the Rule, this Court also passed an ad-interim order restraining the respondents from deducting or recovering the said amount of Tk. 14,13,71,598.75 from the bill of any other ongoing project of the petitioner in accordance with the impugned notice dated 01.09.2016, until disposal of the Rule.

The matter has been placed before this Court for hearing pursuant to an order of the Hon'ble Chief Justice. However, today, none appears to press the Rule. Since it is an old matter, this Court is inclined to dispose of it on merit.

Mr. S.M. Zahurul Islam, learned Advocate appearing for respondent No. 1, submits that the dispute regarding the demand of Tk. 14,13,71,598.75 has already been referred to arbitration, and Arbitration Miscellaneous Case No. 55 of 2017 has been initiated and is currently pending between the parties. He submits that since the core issue involved in the present Rule has now been taken up in arbitration proceedings, nothing further remains to be adjudicated in this Court.

It appears from the record that the primary relief sought in this application was to stay operation of the notice dated 01.09.2016 demanding deduction of Tk. 14,13,71,598.75, until resolution of the dispute through arbitration. As the matter is now sub judice before an

arbitral tribunal, which is duly seized of the issue, this Court finds that the prayer made in the instant application has been overtaken by subsequent events. The arbitral tribunal is competent to adjudicate all issues relating to the demand and any deduction made in that regard. In the circumstances, the Rule no longer serves any practical purpose.

In view of the above, this Court finds no merit in the Rule.

Accordingly, the Rule is dismissed as being infructuous.

The ad-interim order of injunction granted earlier is hereby recalled and vacated.

Let this order be communicated at once.

(Justice Md. Toufiq Inam)

Ashraf/ABO