

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

Petition(s) for Special Leave to Appeal (Civil) No(s).13876/2010

(From the judgement and order dated 15/12/2009 in
16/2009 of The HIGH COURT OF BOMBAY AT AURANGABAD)

AA No.

STATE OF MAHARASHTRA TR.EXEC.ENG.

Petitioner(s)

VERSUS

M/S S.D.SHINDE & CO.

Respondent(s)

(With office report)

Date: 25/02/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MR. JUSTICE R.M. LODHA

For Petitioner(s) Mr. Harish N. Salve, Sr. Adv.
Mr. Sudhanshu S.Choudhari, Adv.
Mr. Sunil Upadhyay, Adv.

For Respondent(s) Mr. V.A. Mohata, Sr. Adv.
Mr. Shashi Bhusan P. Adgonkar, Adv.
Mr. Nilkat Nayak, Adv.
Mr. Ashok Kumar Gupta II, Adv.

Mr. Ambar Qamaruddin, Adv.

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

One of the points raised by Mr. Harish N.

Salve, senior advocate appearing for the
petitioner, is that in the appointment of the
Arbitrator, the procedure contemplated in the
arbitration clause (as quoted in paragraph 14 of
the High Court Judgment) was not followed inasmuch
as the claimant-Contractor did not first furnish a
list of three names from which the arbitrator was
to be nominated.

...2/-

Mr. V.A. Mohata, learned senior counsel
appearing for the respondent, controverted the
statement and submitted that as a matter of fact

the Contractor had furnished a list of three names and when no response came from the Chief Engineer, the Contractor nominated one of the names from the list as the Arbitrator.

Mr. Mohata, prays for some time to file additional documents in support of the statement made by him.

As prayed, put up after four weeks.

(Neetu Khajuria)
Sr.P.A.

(S.S.R. Krishna)
Court Master