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C.A.No. 4051 OF 2001

ITEM No.9

Court No. 1

SECTION XIV

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

IA No 1 - 3 In
Civil Appeal No.4051/2001@@
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M/S. ETHIOPIAN AIRLINES

Appellant (s)

VERSUS

M/S. STIC TRAVELS (P) LTD.

Respondent (s)

(for directions; permission to file reply to the application
for directions and application for permission to file
rejoinder affidavit)

Date : 31/08/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.P. MISRA
HON'BLE MR. JUSTICE P. VENKATARAMA REDDI

For Appellant (s) Mr. F S Nariman, Sr. adv.
Mr. Subash Sharma, adv.
Mr. Lalit Bhasin, adv.
Ms. Nina Gupta, adv.
Mr. Uday Gupta, adv.
Ms. Arpita Mahajan, adv.
Mr. Vineet Kumar, adv.

For Respondent (s) Mr. V P Singh, Sr. adv.
Ms. Meenakshi Singh, adv.
Mr. Ravi Kant Chandra, adv.
Mr. Janendra Lal, adv.
Ms. Yasmin Tarapore, adv. for
M/s. Janendra Lal & Co.

UPON hearing counsel the Court made the following

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This application for direction has been made
in an arbitration case pending before an Arbitral
Tribunal. The agreements out of which arbitration

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proceedings arose are dated 5th January, 1980 and 1st
July, 1987. It appears that engagement of the
respondent as General Sales Agents of the appellant's

airlines was terminated by the appellant w.e.f. 20th December, 1994. The matter arising out of the termination of that engagement was taken up in arbitration proceedings on a suit filed under Section 20 of the Arbitration Act, 1940. The proceedings before the Arbitral Tribunal commenced on 16th September, 1995. The proceedings have not yet seen the end of the day. The very purpose of arbitration by this long delay, in our opinion, is getting defeated.

Mr. F. S. Nariman, learned Senior counsel appearing for the appellant submits that in case the respondent is agreeable to the appointment of a sole@@ CCCC arbitrator, who would take up the arbitration@@ CCCCCCCCCC proceedings from the stage at which the arbitral proceedings were before the Arbitral Tribunal on 3rd January, 2001, perhaps the matter can be resolved without any further delay.

Learned counsel for the respondent submits that he would like to seek instructions on this suggestion made by Mr. Nariman. At his request, we grant him two weeks' time to get instructions. List thereafter.

(Kanchan Jain)
AR-cum-PS

(Prem Prakash)
Court Master