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SLP(C)No. 4082-4084 OF 2003
ITEM No.43

Court No. 3

SECTION XIA
A/N MATTER

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No.4082-4084/2003

(From the judgement and order dated 17/09/2002 in MFA 769/92
and CRPs 2003/92 & 2065/92 of The HIGH COURT OF KERALA AT ERNAKULAM)

M/S. SOUTH INDIA CORPN. PVT. LTD.

Petitioner (s)

VERSUS

FOOD CORPORATION OF INDIA

Respondent (s)

(With Office Report)

Date : 08/09/2003 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH
HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Petitioner (s)

Mr. V. Balachandran,Adv.

For Respondent (s)

Mr. Ajit Pudussery,Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard the learned counsel for the parties.

Considering the counter affidavit it is amply clear that respondent has specifically raised the contention with regard to excepted clause before the arbitrator and has stated that the decision rendered by the Regional Manager regarding failure of the contractor has become final.

Hence, it is binding between the parties and is the said finding cannot be challenged before the arbitrator. Hence, these petitions are dismissed.

(Vijay Kumar Sharma)(Janki Bhatia)

AR cum PS to Hon.Judge Court Master