

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).3556/2004

(From the judgement and order dated 05/09/2003 in CWP No. 5144/2001 of The HIGH COURT OF JHARKHAND AT RANCHI)

M/S. P.B. ENTERPRISES

Petitioner(s)

VERSUS

EASTERN COALFIELDS LTD. & ORS.

Respondent(s)

[For final disposal]

Date: 01/09/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE MR. JUSTICE MARKANDEY KATJU

For Petitioner(s)

Mr. Ajay Kumar, Adv. for

Mr. Manoj Swarup, Adv.

For Respondent(s)

Mr. Ajit Kumar Sinha, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard.

The dispute pertains to the year 1996. Application under Section 11(6)

of The Arbitration and Conciliation Act, 1996 [for short "the Arbitration Act"] for appointment of an arbitrator was moved in the year 1999 and dismissed by the Chief Justice of the High Court of Jharkhand on 8th June, 2001 being barred by time. Petitioner filed a writ petition in the High Court which has been dismissed by the impugned order.

A Constitution Bench of this Court in SBP & Co. v. Patel Engineering Limited [2005 (8) SCC 618] has held that the order passed by the Chief Justice or Designated Judge under sub-section (6) of Section 11 of the Act is a judicial order and not an administrative one and, therefore, a writ petition would not be maintainable against the same. Against such an order only special leave petition is maintainable. On 10th March, 2006 when the case came up for hearing, it was adjourned at the request of the counsel appearing for the petitioner to enable him to file an application to treat the present petition against the original order passed by the Chief Justice/Designated Judge under Section 11(6) of the Act within four weeks from the date of the order, i.e. 10th March, 2006.

The application was moved on 31st July, 2006 after a delay of more than 12 weeks along with an application for condonation of delay in filing thereof.

The very purpose of the Arbitration Act is to get quick justice by early disposal of the disputes; we are not inclined to condone the delay of four months in moving the application as per the directions issued by this Court on 10th

March, 2006. Such a delay defeats the very purpose of the enactment of the

Arbitration Act. The application for condonation of delay is rejected. As a

consequence, the application for treating the present special leave petition against the order of the Designated Judge stands rejected.

The special leave petition is dismissed in view of the law laid down in the Patel Engineering case (supra).

(J.S. Rawat)

AR-cum-PS

(Kanwal Singh)

Court Master

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF
(Arising out of SLP(C) No. of)

C Appellant(s)

Versus

M Respondent(s)

O R D E R

.....J.

.....
(ASHOK BHAN)

New Delhi;

.....J.

September 01, 2006.

.....
(MARKANDEY KATJU)

