

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: 10/03/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

For Petitioner(s)

Mr. Ajay Kumar, Adv.

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

Aggrieved against the order of the Designated Judge under Section 11(6) of the

Arbitration and Conciliation Act, 1996 (for short 'the Act'), the petitioner filed a Writ

Petition under Article 226 of the Constitution of India which has been dismissed by the impugned order.

A Constitution Bench of this Court in the case of SBP & Co. vs. Patel

Engineering Limited reported in 2005 (8) SCC 618 (at 685) has held that the order passed by the Chief Justice/Designated Judge under Section 11(6) of the Act is a judicial order and not an administrative order and, therefore, a writ petition would not be maintainable. Against such an order only Special Leave Petition is maintainable.

Counsel for the petitioner seeks time to file an application to treat the present

Special Leave Petition against the original order passed by the Chief Justice/Designated Judge under Section 11 (6) of the Act along with an application for condonation of delay. Four weeks to file the necessary applications.

List after four weeks.

(PARVEEN KR. CHAWLA)

COURT MASTER

(KANWAL SINGH)

COURT MASTER