

SECTION XV

THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 10314 OF 2016

SUNIL JAIN (D) THR. LRS. & ORS.

...APPELLANTS

VERSUS

CHANDRA KALA & ANR.

...RESPONDENTS

OFFICE REPORT FOR DIRECTIONS

The matter above-mentioned was listed before the Hon'ble Court on 24.10.2016, when the Court was pleased to inter-alia pass the following Order:

"...Instead of relegating the parties back to the High Court only for seeking appointment of an arbitrator under Section 11 of the Act, we decided to appoint a suitable retired Judge of the High Court of Punjab and Haryana at Chandigarh as arbitrator and hence we granted time to both the counsel to suggest the name of retired judges who could act as arbitrator. Out of four names suggested, we are informed that Justices S.K. Mittal and Justice Amarjeet Choudhary have settled at Chandigarh and are presently residing there. Hence in our view, it will be convenient to have one of them appointed as arbitrator to decide the dispute between the parties in accordance with law through arbitration at Chandigarh. We appoint Justice S.K. Mittal, who is said to have retired recently, for that purpose...."

It is submitted that pursuant to the order quoted above, Hon'ble Mr. Justice S.K. Mittal, Retd. Chief Justice of Rajasthan High Court was appointed as an Arbitrator to decide the dispute. Now, he has sent a letter dated 16.11.2016 stating therein that he has been appointed as Lokpal, Punjab. Therefore, it will not be possible for him to discharge the functions of Arbitrator. (Copy of the letter dated 16.11.2016 and copy of the signed order dated 24.10.2016 are enclosed herewith for the kind perusal of the Hon'ble Court).

Hence, the Office Report for directions in the matter above-mentioned is listed for orders before the Hon'ble Court.

Dated this the 10th day of December, 2016.

ASSISTANT REGISTRAR

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