

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(s).3430-3431 OF 2005

(From the judgement and order dated 31/12/2004 in CRP No. 4931/2004 & CMP No. 14619/2004 & CMP No. 16998/2004 of The HIGH COURT OF A.P AT HYDERABAD)

CHAIRMAN, TELE., BHART S.NIGAM LTD. & ORS. Petitioner(s)

VERSUS

M/S. SINCLAIR INFRA TECH LTD. Respondent(s)

(With prayer for interim relief and office report)

Date: 25/02/2005 These Petitions were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE RUMA PAL
HON'BLE MR. JUSTICE C.K. THAKKER

For Petitioner(s) Mr. Mukul Rohtagi, Sr. Adv.
 Mr. S. Patijoshi, Adv.
 Mr. Sudarsh Menon, Adv.
 Mr. B.S. Sharma, adv.

For Respondent(s) Mr. P.P. Rao, Sr. Adv.
 Mrs. B. Sunita Rao, Adv.
 Mr. Sushil Kumar Pathak, adv.

UPON hearing counsel the Court made the following
O R D E R

As the respondents are present on caveat formal issuance of service of notice is dispensed with. Having considered the facts of the case, we are of the view that there was an arguable question of law which appears to have been over-looked by the High Court, namely, whether reciprocal obligations under an Award can be enforced unilaterally. We accordingly stay the execution of the Award. The High Court is requested to dispose of both the main appeal from the order rejecting application for setting aside an Award

as well as the civil revision petition pertaining to the execution proceedings as expeditiously as is conveniently possible, preferably within three months. The interim order granted by us will continue until the disposal of the Revisional Application . This order, however, will not prevent the respondent from seeking execution of the decree in terms of the Award.

The SLPs are disposed of.

[SUMAN WADHWA]
COURT MASTER

[MADHU SAXENA]
COURT MASTER