

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).2 8 0 7 / 2 0 0 7

(From the judgement and order dated 1 4 / 0 7 / 2 0 0 6 in AA No. 1 1 4 / 2 0 0 5
of The
HIGH C O U R T O F J U D I C A T U R E AT ALL A H A B A D)

A R T I F I C I A L L I M B S M A N U F R G . C O R P . O F I N D I A Petitioner(s)

V E R S U S

P R E C I M E T A L C A S T P R I V A T E L I M I T E D Respondent(s)

(With prayer for interim relief and office report)

Date: 0 8 / 1 0 / 2 0 0 7 This Petition was called on for hearing today.

C O R A M :

H O N ' B L E M R . J U S T I C E H . K . S E M A
H O N ' B L E M R . J U S T I C E P . S A T H A S I V A M

For Petitioner(s) Mr. Nikhil Nayyar, Adv.
Mr. Ankit Singhal, Adv.
Mr. T.V.S. R . Sreyas, Adv.

For Respondent(s) Mr. Arvind Var m a , Adv.
Mr. Sidharth Dave, Adv.
Ms. Vibha Datta Makhija, Adv.
Ms. Malvika Trivedi, Adv.
Ms. Malik a Chaudha ry, Adv.
Mr. P a n k a j Bhati a, Adv.

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

Leave granted.

Appeal is disposed of in terms of the signed order.

(Ravi P. Verm a) (Anand Singh)
Court Master Court Master

[Signed order is placed on the file]

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

C I V I L A P P E L L A T E J U R I S D I C T I O N

C I V I L A P P E A L N O . 4 7 4 2 O F 2 0 0 7
[Arising out of S L P (C) No.2 8 0 7 / 2 0 0 7]

A R T I F I C I A L L I M B SA P P E L L A N T (S)
M A N U F A C T U R I N G C O R P O R A T I O N
O F I N D I A

Versus

P R E C I M E T A L C A S T P R I V A T ER E S P O N D E N T (S)
L I M I T E D

O R D E R

Leave granted.

Heard the parties.

An arbitrator was appointed by the learned Chief Justice of Allahabad High Court by its order dated 14 / 7 / 2006 . The order reads as under:-

"For the purpose of acting as Arbitrator in this matter, Hon'ble R.A. Sharma , of 21, Dr. Lohia Marg, Allahabad, a retired Judge of this Hon'ble Court is hereby nominated and appointed."

Prima facie the order appears to be without application of mind and contrary to judgment of this Court rendered in S B P & Co. Vs. Patel Engineering Ltd. & Anr. , (2005) 8 SCC 618 .

-2 -

.....2.

Accordingly, the impugned order dated 14 / 7 / 2006 is set aside. The matter is remitted to the learned Chief Justice of Allahabad High Court for appointment of an arbitrator after hearing the parties in terms of the judgment in the case of S B P & Co. (supra).

Appeal is disposed of in the above terms.

.....J .
(H.K. S E M A)

New Delhi;
October 08, 2007 .

.....J .
(P. S A T H A S I V A M)