

ITEM NO.4

COURT NO.9

SECTION XIV

[NMD Case]

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).7240/2006

(From the judgement and order dated 12/09/2005 in OMP No. 324/2005 of
The

HIGH COURT OF DELHI AT N. DELHI)

GOVT. OF NCT OF DELHI

Petitioner(s)

VERSUS

SHAKUNTALA GUPTA (D) TH. LR

Respondent(s)

(With prayer for interim relief and office report)

(For final disposal)

Date: 18/04/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. MATHUR

HON'BLE MR. JUSTICE TARUN CHATTERJEE

For Petitioner(s)

Mr. P.P. Malhotra, ASG

Ms. Rachana Srivastava, Adv.

For Respondent(s)

Mr. C. Mukund, Adv.

Mr. Ashok Jain, Adv.

Mr. Pankaj Jain, Adv.

Mr. Bijoy Kumar Jain, Adv.

UPON hearing counsel the Court made the following

O R D E R

This special leave petition has been filed against the order

passed by the learned Single Judge under Section 34 of the

Arbitration and Conciliation Act, 1996 (in short "The Act")

confirming the award given by the sole Arbitrator. Against th

is a

regular appeal under Section 37 of the Act is maintainable. We fail

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to understand why the Petitioner has approached this Court directly

against the order passed by the learned Single Judge under Section

34 of the Act when the statutory remedy is available before the

Division Bench. Learned Additional Solicitor General does not

dispute that the appeal is maintainable under Section 37 of the Act

before the Division Bench. Therefore, when the statutory appeal is

available, there is no point in entertaining this petition under

Article 136 of the Constitution. Let the Petitioner may prefer

an

appeal before the High Court under Section 37 of the Act. Delay is
condoned and Petitioner is given one month's time from today to
file regular appeal under Section 37 of the Act.

The special leave petition stands disposed of accordingly.

(K.K. Chawla)

Court Master

(Radha R. Bhatia)

Court Master