

ITEM NO.46

COURT NO.6

SECTION IVB

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).2910/2006

(From the judgement and order dated 11/11/2005 in AC No. 17/2004 & C
M No.

19484/2005 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

M/S. HARISH CHANDRA (INDIA) LTD.

Petitioner(s)

VERSUS

HARYANA POWER GENERATION CORPN.LTD.&ORS.

Respondent(s)

(With office report)

Date: 19/03/2007 This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE H.K. SEMA

HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

For Petitioner(s)

Mr. Altaf Ahmad, Sr. Adv.

Mr. Brij Bhusan,Adv.

For Respondent(s)

Mr. Neeraj Kumar Jain, Adv.

Mr. Sandeep Chaturvedi, Adv.

Mr. Sanjay Singh, Adv.

Mr. Vikrant Hooda, Adv.

Mr. Ugra Shankar Prasad,Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

Heard the parties.

We direct the appellant to pay the 3% of the total amount claimed by him, amounting to Rs.85,28,340/- (Rupees eighty five lakhs twenty eight thousands three hundred and forty only), by a bank draft.

The appellants shall deposit the amount within one week. On the amount being deposited, arbitrator shall be appointed by the respondents in one week.

Appeal is disposed of in terms of the signed order.

(Ravi P. Verma)

Court Master

(Anand Singh)

Court Master

[Signed order is placed on the file]

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2007

[Arising out of SLP(C) No.2910/2006]

M/S. HARISH CHANDRA (INDIA)
LTD.

APPELLANT(S)

Versus

HARYANA POWER GENERATION
CORPORATION LTD. & ORS.

RESPONDENT(S)

O R D E R

Leave granted.

Heard the parties.

The condition precedent for invoking the arbitration clause

by a contractor is that he must deposit cash security @ 3% of the total

amount claimed by him. Admittedly, the appellant has not deposited

3% of the total amount claimed by him which amounts to

Rs.85,28,340/- (Rupees eighty five lakhs twenty eight thousands three

hundred and forty only). Mr. Altaf Ahmad, learned senior counsel

appearing for the appellant submits that the Bank would not allow

him to carry rupees eighty five lakhs and odd in cash. To solve

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this problem, we direct the appellant to pay the 3% of the total

amount claimed by him, amounting to Rs.85,28,340/- (Rupees eighty five lakhs twenty eight thousands three hundred and forty only), by a bank draft. The appellants shall deposit the amount within one week.

On the amount being deposited, arbitrator shall be appointed by the respondents in one week.

Appeal is disposed of in the above terms.

.....J.
(H.K. SEMA)

New Delhi;
March 19, 2007.

.....J.
(LOKESHWAR SINGH PANTA)