

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).3919/2004

(From the judgement and order dated 20/01/2004 in WP No. 149/2004 of The HIGH COURT OF BOMBAY)

JAYESH H. PANDYA

Petitioner(s)

VERSUS

M/S. SUBHTEX (I) LTD. & ORS.

Respondent(s)

(With prayer for interim relief)

Date: 24/04/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE MR. JUSTICE DALVEER BHANDARI

For Petitioner(s)

Mr. Robin Jaisinghania, Adv.

Ms. Indu Malhotra, Adv.

Mr. Gopal Shankar Narayanan, Av.

Mrs. Shashi M. Kapila, Adv.

Ms. Shilpi Kaushik, Adv.

For Respondent(s)

Mr.S.K. Dholakia, Sr. Adv.

For R-1

Mr. Chinmoy Khaladkar, Adv.

Mr. S.K. Nandy, Adv.

Mrs Urmila Sirur ,Adv

Mr. V.B. Joshi ,Adv

Mr. Nikhil Nayyar ,Adv

UPON hearing counsel the Court made the following

O R D E R

Heard.

In the facts and circumstances of the present case, we are not inclined to exercise our jurisdiction under Article 136 of the Constitution of India. The special leave petition is dismissed.

We are informed that Mr. Justice V.D. Tulzapurkar, former Judge of this Court, who was appointed as the Arbitrator, has passed away.

Counsel for the parties are agreed that Hon'ble Mr. Justice S.N. Variava, a former Judge of this Court be appointed in place of Mr. Justice V.D. Tulzapurkar, as the Arbitrator. We order accordingly. Learned Arbitrator shall fix his remuneration etc.

All the points including the existence, validity and enforceability of the contract, as indicated by the Division Bench in its Judgment, shall be decided by the learned Arbitrator.

Parties are directed to appear before the learned Arbitrator on 4th of May,

2007 with a certified copy of this order for further directions. The address and contact numbers of the learned Arbitrator are as under:

7-B, Rockside,
116, Walkeshwar Road,
Mumbai-400006.
Phone Nos. (022) 23620614, 23620598

Copy of this order be sent to the learned Arbitrator.

(J.S. Rawat)
A.R.-cum-P.S.

(Kanwal Singh)
Court Master