

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).4 7 3 9 / 2 0 0 6

(From the judgement and order dated 0 2 / 1 2 / 2 0 0 5 in CW P No. 3 4 0 4 of  
2 0 0 5 of the HIGH COUR T OF PUN J A B & HAR Y A N A AT CHAND I G A R H )

AMA R J E E T KAU R

Petitioner(s)

VER SUS

UNION OF INDI A & ORS.

Respondent(s)

(With prayer for interim relief )

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

CORA M :

HON' B L E MR. JUS T I C E R.V. RAV E E N D R A N

HON' B L E MR. JUS T I C E LO K E S H W A R SING H P A N T A

For Petitioner(s) Mr. Vinod Tyagi, Adv.  
Mrs. Naresh Ba k s hi, Adv.  
Mr. Ashok Raj agopal an, Adv.  
Ms. Madhu Tyagi, Adv.  
Mr. Tush a r Ba k s hi, Adv.

For Respondent(s) Mr. Anna m D.N. Rao, Adv.

Mr. S.B. Mudgal, Adv.  
Mr. R.C. Kau s hi k, Adv.

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

The petitioner challenged the termination of her petrol pump dealership by the Indian Oil Corporation, by its communication dated 2 2 . 1 0 . 2 0 0 4 . The High Court rejected the writ petition on the ground that the petitioner should have taken recourse to arbitration under clause 6 7 of the dealership agreement. The said order is challenged by the petitioner.

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Learned counsel for the petitioner submitted that as she had alleged political interference, arbitration was not the appropriate remedy and that contention was not considered by the High Court. However, subsequently the learned counsel submitted that the petitioner has no objection for the matter being referred to the arbitration, if a retired Judge is appointed as Arbitrator and there is no delay in Arbitration.

On the special facts and circumstances of the case, it is agreed by the parties that this is not a fit case for an officer of the Indian Oil Corporation to act as an arbitrator and they agreed that a retired judge may be appointed as an arbitrator. Both counsel submitted that Shri J aw a h a r Lal Gupta, retired Chief Justice of High Courts Ker al a and Andhra Pr adesh, may be appointed as sole arbitrator. Accordingly, Shri Jaw a h a r Lal Gupta, a retired Chief Justice is appointed as sole arbitrator and the pending dispute between the parties is referred to him. All contentions are open.

The special leave petition is disposed of accordingly.

Court Master

Court Master