

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

IA 2/2008 in
Petition(s) for Special Leave to Appeal (Civil) No(s).16531/2005
(From the judgement and order dated 20/08/2004 in APO No. 76/2002 of The
HIGH COURT OF CALCUTTA)

CITYSCAPE DEVELOPERS PVT. LTD.

Petitioner(s)

VERSUS

AKLA BUILDERS PVT. LTD. & ANR.
(For direction/modification of Court's order)

Respondent(s)

Date: 05/09/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA
HON'BLE MR. JUSTICE CYRIAC JOSEPH

For Petitioner(s) Mr. Debobroto Ray Choudhary, Sr. Adv.
Mr.S.C. Patel, Adv.
Mr. Tejas Patel, Adv.

For Respondent(s) Mr. Abrojit Mitra, Adv.
Ms.Shruti Chaudhary, Adv.
Ms. Jayasree Singh, Adv. for
M/S Fox Mandal & Co.

Ms. Radha Rangaswamy ,Adv

UPON hearing counsel the Court made the following
ORDER

An application for modification of our order dated 13.9.2006 has been filed whereby and whereunder we in exercise of our jurisdiction under Article 142 of the Constitution of India directed the learned Arbitrators to pass an award as expeditiously as possible and preferably within a period of 30 days from the date of receipt of a copy thereof.

It is not denied and disputed that for one reason or the other the learned Arbitrators did not pass the award for a long time.

-1-

Mr. Abrojit Mitra, learned counsel appearing on behalf of the respondent, however, placed before us a copy of the award which has been made by the learned Arbitrators on 5.7.2008.

In view of the fact that now the award has been filed, we decline to go into the question as regards the validity or otherwise thereof which is sought to be raised by Mr. Debobroto Ray Choudhary, learned senior counsel before us. The petitioner may take recourse to remedies which are available to it in law including filing an appropriate application before an appropriate Court.

I.A. No.2 is dismissed with the aforementioned observations.

[Meenu Sethi]
A.R.-cum -P.S.

[Pushap Lata Bhardwaj]
Court Master