

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).6070/2007

(From the impugned final judgement and order dated 24/02/2006 in OAP No. 109/2003 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

U.O.I. & ORS.

Petitioner(s)

VERSUS

M/S. TALSON BUILDERS

Respondent(s)

(With appln(s) for c/delay in filing SLP and prayer for interim relief and office report ))

(For final disposal)

WITH SLP(C) NO. 6402 of 2007

(With appln.(s) for C/delay in filing SLP and with prayer for interim relief and office report)

(For final disposal)

Date: 12/03/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. MATHUR

HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

For Petitioner(s)

Mr. B. Dutta, ASG

Ms. Rajni Singh, Adv.

Mr. B.K. Prasad, adv.

Mr. D.S. Mahra, Adv.

For Respondent(s)

Mr. Shrish Kumar Misra, Adv.

Mr. Ajay Kumar Singh, Adv.

Mr. Vijay Pratap Singh, Adv.

Ms. Sunita Gautam, Adv.

UPON hearing counsel the Court made the following  
ORDER

Heard learned counsel for the parties.

Delay condoned.

These Special Leave Petitions are directed against the judgment and order passed by the Chief Justice of the

...2/-

-2-

Allahabad High Court appointing Justice R.K. Gulati, a retired Judge of the High Court of Allahabad as Arbitrator under Section 11(6) of the Arbitration & Conciliation Act, 1996.

Mr. B. Dutta, learned ASG appearing on behalf of the Union of India submits that the issue involved in these matters is not arbitrable and it is an excepted matter. No claim certificate has been signed by

the contractor. All these questions can be examined by the Arbitrator that whether it is an arbitrable issue or falls in the except category or that once he has signed the final bill towards the full and final settlement, even then whether he can maintain the arbitration petition or not. All these questions will be examined by the arbitrator appointed by the Chief Justice of the Allahabad High Court.

We do not think it necessary to go into all these questions since the arbitrator has already been appointed. It will be open for the Union of India to raise all these contentions before the arbitrator and the arbitrator is free to decide the matter in accordance with law.

The Special Leave Petitions are accordingly, disposed of.

(Sukhbir Paul Kaur)  
Court Master

(Vijay Dhawan)  
Court Master