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C.A.No. 1992 OF 1997

ITEM No.1

Court No. 8

SECTION XV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

I.A.Nos.12-13 In Civil Appeal No.1992/1997

ENGR-IN-CHIEF,ARMY HEADQUARTERS,ND & ORS

Appellant (s)

VERSUS

RATAN SINGH GEHLOT & ANR.

Respondent (s)

(for directions to make the Award Rule of the Court and directions
to set aside the Award dated 06.12.2000 and Office Report)

With I.A.Nos. 4-5 In CA No. 2925/2000 and I.A.Nos.5-8 In
C.A.Nos.2926-2927/2000

Date : 13/08/2001 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.P. MISRA
HON'BLE MR. JUSTICE U.C. BANERJEE

For Appellant (s) Mr. P.S. Narasimhan,Adv.
in CA 1992/97 Mr. P. Sridhar,Adv. for
Mrs Anil Katiyar,Adv.

in CA 2925/2000 Mr. Mukul Rohatgi, ASG
Ms. Anita Verma, Adv.
Ms. Indra Sawhney, Adv. for
Mr. Arvind Kumar Sharma, Adv.

in CA 2926-27/2000 Mr. Surya Kant, Adv.

For Respondent (s) In-Person,Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....T.....J
.SP2

I.As are ordered in terms of the signed order. The
appeal also stands allowed. Costs on the parties.

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Sarita (V.P. Tyagi) @@
AA
Court Master@@
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(Signed order is placed on the file)

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.PL56

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

INTERLOCUTORY APPLICATION NOS. 12-13@@

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(For directions to make the Award Rule of the Court and directions to set aside the award dated 06.12.200)

IN@@

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CIVIL APPEAL NO. 1992 OF 1997@@

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ENGR-IN-CHIEF, ARMY HEADQUARTERS, ND & ORS. ... APPELLANTS

VERSUS

RATAN SINGH GEHLOT & ANR. ... RESPONDENTS

WITH@@

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I.A.Nos.4-5 In C.A.No.2925/2000 & I.A.Nos.5-8 In C.A.Nos.2926-2927/2000

O R D E R@@

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....L.....I.....T.....T.....T.....T.....T.....J

Heard learned counsel for the appellants and the respondent No.1 who is appearing in person.

We find, in this case, in the first Award the amount awarded in favour of the respondents was about rupees 16 lacs. Thereafter, the second Arbitrator appointed by this Court awarded about rupees 3 lacs in favour of the respondents. The question arose for refund from the respondents. The objections is filed by the respondents, so far the second Award is concerned, regarding not to make the Award Rule of the Court and on the last occasion submission was also made that he is entitled to 16 lacs from the appellants. We directed to file the Award in this Court which has been filed by now. According to the appellants, the amount is refundable from the respondents to the appellants which comes to about 13 lacs 30 thousand. However, we want to make it clear, we are not making adjudication on this issue which has led to objections, if any, by the respondents before the Executing Court.

So far the objections to the present Award is concerned, we find the main and the central point seems to be, the time for making the Award which was to be by the 6th August, 2000 and extendable by the said period since 8th August, 2000, hence, the Award itself is a time. It is not in dispute, time for four months has been extended by the Court and the Award itself has been made on 4th August, 2000 which is within the period of four months, even if it is taken from the date prior also. We have also heard learned respondent No.1 in person and have gone through the other grounds raised in the objections, hence, we do not any sustainable ground raised therein which calls for our interference. Accordingly we make the Award Rule of the Court and decree is passed in terms of the Award.

The I.As. are ordered accordingly. Costs on the parties.

.....J.~
(A.P. MISRA)

New Delhi,
August 13, 2001.

.....J.~
(U.C. BANERJEE)