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SLP(C)... 3920-3921 OF 2003  
ITEM No.5

Court No. 4

SECTION XV

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)...CC 3920-3921/2003

(From the judgement and order dated 17/10/2001 & 26/09/02 in AP  
186/01 of The HIGH COURT OF CALCUTTA)

STATE OF WEST BENGAL

Petitioner (s)

VERSUS

TAPAS KUMAR HAZRA & DEVELOPMENT CONCERN  
( With Appln(s). for c/delay in filing SLP )

Respondent (s)

Date : 02/05/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI  
HON'BLE MR. JUSTICE ASHOK BHAN

For Petitioner (s) Mr. Altaf Ahmad, A.S.G.  
Mr. Avijit Bhattacharjee, Adv.  
Mr. Atanu Saikia, Adv.

For Respondent (s)

UPON hearing counsel the Court made the following  
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Delay condoned.

The orders sought to be impugned by these special  
leave petitions are under Section 11(6) of the Arbitration and  
Conciliation Act, 1996, which are administrative orders.  
Special leave petitions thereagainst do not lie. However, the  
learned Additional Solicitor General for the petitioner-State  
submits that there are certain observations made on the merits  
of the case which may bind the arbitrator.

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The learned Additional Solicitor General invites the  
attention of the Court to the order dated 4.4.2003 passed in  
Civil Appeal Nos.2971-2972 of 2003, State of West Bengal vs.  
Sarkar & Sarkar.

The special leave petitions are dismissed subject to  
the observation that the pleas available to the  
petitioner-State, including the plea as to non-existence of  
the arbitration agreement, may be raised before the arbitrator  
or such other forum before which it may be permissible in law

to raise the same and so far as the observations made in the impugned order touching the merits of the controversy are concerned, they shall be treated only as prima facie observations.

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(N. Annapurna)  
Court Master

(Radha R. Bhatia)  
Court Master