

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) No(s).6088/2011

(From the judgement and order dated 26/11/2010 in CMAA No. 27/2008 & CMRA No.145086/2009 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

M/S SHIV HARE BUILDERS

Petitioner(s)

VERSUS

EXEC.ENG.& ORS.

Respondent(s)

(With prayer for interim relief)

WITH S.L.P.(C)...CC NO. 5911 of 2011

(With appln.(s) for c/delay in filing SLP and office report)

Date: 01/04/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE CYRIAC JOSEPH

For Petitioner(s) Dr. Sumant Bharadwaj, Adv.
Mr. Archana Pathak Dave, Adv.
Mr. Ajit Kumar Gupta, Adv.
Mr. Amit Verma, Adv.
Mr. Viveka Nand, Adv.
Ms. Mridula Ray Bharadwaj, Adv.

For Respondent(s)

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

Learned counsel appearing for the petitioner has submitted that in terms of Clause 32 of the Memorandum of Agreement, which is the arbitration clause, the petitioner was required within 28 days of receipt of notice of the final decision, to give a notice for the matter to be referred to arbitration. According to the petitioner, notice of the final decision was received on 11th January, 2008, and notice was given by the petitioner for appointment of an Arbitrator on 4th February, 2008, which is well within the period of 28 days, contemplated in Clause 32(b) of the Agreement. However, the learned counsel for the petitioner is unable to show us any document in support of his submission that the notice had been received by the petitioner on 11th January, 2008.

Let this matter be adjourned for two weeks to enable the learned counsel for the petitioner to file additional documents, including the letter dated 11th January, 2008, said to have been written by the Superintendent Engineer, Agra Region, Public Works Department, Agra.

(Chetan Kumar)
Court Master

(Juginder Kaur)
Court Master