

ITEM No.1B

Court No. 1

SECTION IX/XIIIA

(For Judgment)

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

Civil Appeal No.4168/2003

M/S. S.B.P. & CO.

Appellant (s)

VERSUS

M/S. PATEL ENGINEERING LTD. & ANR.

Respondent (s)

WITH

C.A. No. 4169/2003 (M/s. B.T. Patil & Sons vs. M/s. Patel Engineering Ltd. & Anr.),

C.A. Nos. 4170-4173/2003 (B.T. Patil & Sons Belgaum P. Ltd. vs. Konkan Railway Corporation Ltd. & Anr.),

C.A. No. 4076/2004 (Karnataka Neeravari Nigam Ltd. vs. M/s. B.T. Patil & Sons & ors.),

C.A. No. 6562 of 2005 arising out of SLP(C) No. 3205/2004 (M/s. Srinivasa Construction Ltd. vs. Supdt. Engineer & Anr.),

C.A. Nos. 6563-6564 of 2005 arising out of SLP(C) Nos. 14033-14034/2004 (M/s. Uma Engineering Co. vs. Supdt. Engineer, Irrigation & CAD & Ors.),

C.A. Nos. 6565-6566 of 2005 arising out of SLP(C) Nos.21272-21273/2002 (Chief Project Manager, Rly Electrification vs. M/s. Electrical Const. & Equip. Co. Ltd.) and

C.A. No. 3777/2003 (V. Subba Rao & Co. vs. Chairman & M.D., N.T.P.C. & Anr.).

(Heard by Hon'ble the Chief Justice, Hon'ble B.N. Agrawal, Arun Kumar, G.P. Mathur, A.K. Mathur, C.K. Thakker and P.K. Balasubramanyan, JJ.)

Date : 26/10/2005 These matters were called on for pronouncement of Judgment today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE ARUN KUMAR

HON'BLE MR. JUSTICE G.P. MATHUR

HON'BLE MR. JUSTICE A.K. MATHUR

HON'BLE MR. JUSTICE C.K. THAKKER

HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

For Appellant(s)/

Petitioner(s)

in CA 4168/03,4169/03

& 4170-4173/03

Mr. K.K. Venugopal, Sr. Adv.

Mr. S. Muralidhar, Adv.

Mr. Jashan Brar, Adv.

Mr. Amit Sharma, Adv.

in CA 4076/04

Mr. C.S. Vaidyanathan, Sr. Adv.

Mr. Naveen R. Nath, Adv.

Mrs. Lalit Mohini Bhat, Adv.

Ms. Anitha Shenoy, Adv.

Ms. Hetu Arora, Adv.

Ms. Subhadra Chaturvedi, Adv.

....2/-

- 2 -

in CA @ SLP 3205/04

Mr. Radhakrishnan, Sr. Adv.

Mr. S. Udaya Kr. Sagar, Adv.

Ms. Bina Madhavan, Adv.

Ms. Pooja Nanekar, Adv.

Ms. Susan, Adv.

Mr. A. Vinayagum, Adv.

Mr. Hemal K. Sheth, Adv.

for M/s. Lawyer's Knit & Co., Adv.

in CAs @ SLP 14033-34/04 Ms. C.K. Sucharita, Adv.

in CAs @ SLP 21272-273/02 Mr. B. Dutta, ASG

Mr. Harish Chandra, Sr. Adv.

Mr. S.W.A. Qadri, Adv.

Mr. Aarohi Bhall, Adv.

Mr. B K Prasad, Adv.

Ms. Anil Katiyar, Adv.

in CA 3777/03

Ms. Indu Malhotra, Adv.

For Respondent (s)

in CA 4168 & 4169/03

Mr. F S Nariman, Sr. Adv.

Mr. Darius Khambatta, Adv.

Mr. Jai Munim, Adv.

Mr. Mustafa Doctor, Adv.

Mr. Ranjit Shetty, Adv.

Mr. P.S. Sudheer, Adv.

Mr. Pratap Venugopal, Adv.

Mr. Subash Sharma, Adv.

for M/s. K.J. John & Co., Adv.

in CA 4170-4173/03

Mr. Atul Y. Chitale, Adv.

Mrs. Suchitra Atul Chitale, Adv.

Ms. Sujeeta Shrivastava, Adv.

Ms. Tarandeep Mahal, Adv.

in CA 4076/04

Mr. K.K. Venugopal, Sr. Adv.

Mr. S. Muralidhar, Adv.

Mr. Jashan Brar, Adv.

Mr. Amit Sharma, Adv.

(for respondent No.1)

in CA 4076/04

Mr. Sanjay R. Hegde, Adv. (NP)

(for respondent No.2)

in CAs @ SLP 3205/04

Mr. Gaurab K. Banerji, Sr. adv.

& 14033-34/04

Mr. Jaydeep Mazumdar, Adv.

Mr. Saurav Agarwal, Adv.

Mr. T.M. Singh, Adv.

Mr. Harsha Rao, Adv.
Mr. P Vinay Kumar, Adv.
Ms. Sneha Bhaskaran, Adv.
Mrs. D. Bharathi Reddy, Adv.

in CAs @ SLP(C) 21272-73/02 Mr. Krishnan Venugopal, Adv.

Mr. Prasad Vijayakumar, Adv.
Mr. Siddhartha Singh, Adv.
Mr. Amit Dhingra, Adv.

....3/-

- 3 -

in CA 3777/03

Mr. Rakesh Dwivedi, Sr. Adv.
Mr. Gaurav Liberhan, Adv.
Ms. Niranjana Singh, Adv.
Ms. Vimla Sinha, Adv.
Mr. Abhishek Chaudhary, Adv.
Mr. Gaurav Dhama, Adv.
Mr. Adarsh Upadhyay, Adv.
Mr. S K Dhingra, Adv.
Ms. Shefali Dhingra, Adv.

RECORD OF PROCEEDINGS

Hon'ble Mr. Justice P.K. Balasubramanyan pronounced the majority
Judgment on

behalf of Hon'ble the Chief Justice, Hon'ble B.N. Agrawal, Arun Kumar, G.P. Mathur & A.K. Mathur

and himself.

Delay condoned in SLP(C) Nos. 14033-14034/2004.

Leave granted in SLP(C) Nos. 3205/2004, 14033-14034/2004 and 21272-21273/2002.

The individual appeals will be posted before the appropriate Bench for being disposed of in

the light of the principles settled by the decision.

Hon'ble Mr. Justice C.K. Thakker pronounced a separate judgment
observing and

holding, inter alia, as under :

"I have had the benefit of going through the judgment prepared by my
learned brother P.K. Balasubramanyan ('majority judgment' for short). I, however,
express my inability to agree with the majority judgment on the question as to the
nature of function performed by the Chief Justice of the High Court/Chief Justice
of India or 'any person or institution designated by him' under sub-section (6) o
f
Section 11 of the Arbitration and Conciliation Act, 1996."

(D.P. Walia)
)

Court Master

(Radha R. Bhatia

Court Master

(Reportable Signed Judgments are placed on the file)