

ITEM No.101(PH)

Court No. 1

SECTION IX/XIIIA

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

RECORD OF PROCEEDINGS

Civil Appeal No.4168/2003

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

Appellant (s)

VERSUS

M/S. PATEL ENGINEERING LTD. & ANR.

Respondent (s)

(With Office Report)

WITH

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

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

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

SLP(C) No. 3205/2004 (M/s. Srinivasa Construction Ltd. vs. Supdt. Engineer & Anr.) (With prayer for interim relief and office report),

SLP(C) Nos. 14033-14034/2004 (M/s. Uma Engineering Co. vs. Supdt. Engineer, Irrigation & CAD & Ors.) (With appln.(s) for c/delay in filing SLP and with Office Report),

SLP(C) Nos.21272-21273/2002 (Chief Project Manager, Rly Electrification vs. M/s. Electrical Const. & Equip. Co. Ltd.) (With prayer for interim relief),

SLP(C) No. 14207/2003 (Union of India & Anr. vs. V. Ramana Reddy) (With appln.(s) for c/delay in filing SLP and c/delay in refiling SLP and c/delay in filing process fee and with office report) and

C.A. No. 3777/2003 (V. Subba Rao & Co. vs. Chairman & M.D., N.T.P.C. & Anr.)(With appln. (s) for urging addl. grounds and with office report).

Date : 17/08/2005 These matters were called on for hearing 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 Mr. K.K. Venugopal, Sr. Adv.

& 4170-4173/03

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.

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in 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 SLP 14033-34/04

Ms. C.K. Sucharita, Adv.

in SLP 21272-273/02 Mr. B. Dutta, ASG
& 14207/03 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 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 SLP(C) 21272-73/02 Mr. Krishnan Venugopal, Adv.

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

....3/-

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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.

UPON hearing counsel the Court made the following

O R D E R

Mr. Rakesh Dwivedi, learned senior counsel made his further submissions from 10.30

A.M. to 11.15 A.M. Thereafter, Mr. B Dutta, learned Additional Solicitor General made his

submissions for 10 minutes. Thereafter, Mr. Gaurab K. Banerji, learned senior counsel commenced

his arguments and concluded at 12.05 P.M. Then, Mr. F.S. Nariman, learne

d senior counsel started

Ms. Indu Malhotra, learned counsel his arguments in reply and concluded at 2.30 p.m. Then

Venugopal, learned counsel commenced her arguments and concluded at 3.20 p.m. Thereafter, Mr. Krishnan

counsel made his submissions.

Hearing concluded in all the matters except SLP(C) No. 142
07/2003.

Judgment reserved.

Such of the parties as propose to file written submissions
may do so by Monday, the 22nd

August, 2005.

SLP(C) No. 14207/2003

As service is not complete, hearing in this matter is
separated. Be listed after service is

complete.

(D.P.Walia) (Ajay Kr. Jain) (Prem Prakash) (Pushap Lata Bhardwaj)
Court Master Court Master Court Master Court Master

C.A. No.4168/2003 etc.etc..

(CAV on 17.8.2005)

List of Books

1. Arbitration & Conciliation Act, 1996
2. 2000 (7) SCC 201 (Mehul Construction)
3. 2000 (8) SCC 159 (Rani Construction)
4. 2002(2) SCC 389 (Rani Construction-II)
5. 1963 (2) All.E.R. 66 (Ridge vs. Baldwin)
6. 2003 (4) SCC 257 (Jamal Uddin)
7. 1965(2) SCR 366 (Associated Cement Cos.)
8. 1997(3) SCC, 261 (L. Chandra Kumar)

9. 2005 (1) SCC 73 (Manju Verma)
10. Wade's Administrative Law (Reqd. by Hon. CJI)
11. Statutory Interpretation by G.P. Singh, 9th Ed.
12. JT 2000 (4) SC 621 (A. Mohamud Yunus (D) by Lrs.
13. Some of the citations referred by Mr. Gaurab K Banerji from his synopsis/submissions such as Peter Binder's Book, Case (c), Central Talkies, Thakur Das, Maharashtra State Finance Corp., Mukri Gopalan from his compilation.
14. AIR 1962 SC 256 (Mahindra Supply Co.)
15. 1993 (4) SCC 441 (Supreme Court Advs.-on-Record Assn.)
16. 1964 (6) Bom.Law Report 214.
17. 1966 (3) SCR 745.
18. 2002 (4) SCC 388 at 403 (Rupa Ashok Hurra)
19. 2002(2) SCC 388 at 405 (Konkan Railway)
20. 1959 SCR, 1440 at 1460 (Radhey Sham Khare)
21. 1973 (2) SCC, 232 at 235 and 237

Documents supplied during hearing

1. Compilation of Case Law Vol. I and Vol. II
(by Mr. Rakesh Dwivedi, Sr. Adv.)
2. Photocopy of Law Commission Report on Arbitration and Conciliation (Amendment) Bills, 2001.
3. Photocopy of Parliamentary Committee Report on Arbitration & Conciliation (Amendment) Bill, 2003.
4. Submissions by Mr. K K Venugopal, Sr. Adv.
5. Compilation on Law Commission's Report (by Mr. Dwivedi)
6. Synopsis/submissions by Mr. B Dutta, ASG.
7. Synopsis/Submissions by Mr. Gaurab K. Banerji.
8. Case Law Compilation (by Mr. Banerji)
9. Bachawat's Law of Arbitration & Conciliation
(photocopy of relevant pages given by Mr. Banerji)
10. Written Submissions by Mr. F.S. Nariman, Sr. Advocate
11. Written Submissions by Ms. Indu Malhotra, Adv.

12. Written Submissions by Mr. Krishnan Venugopal, Adv.