

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2104 OF 2008  
(arising out of SLP(C)No.8580 of 2005)

UNION OF INDIA & ORS.

... APPELLANTS

VERSUS

TIRATH RAM OBEROI  
RESPONDENTS

...

WITH  
CIVIL APPEAL NO.2105 OF 2008  
(arising out of SLP(C)No.8581 2005)

ORDER

Leave granted.

These appeals have been filed by the Union of India against the judgment and order dated 23.11.2004 passed by the learned Chief Justice of the High Court appointing Mr. B.R. Pradhan former District Judge and Secretary, Law as sole Arbitrator. Unfortunately, the Arbitrators appointed in terms of the agreement could not complete the arbitration proceedings. The last Arbitrator appointed by the appellant has resigned without completing arbitration proceedings. At the same time, this is a case which deserves to be expeditiously disposed. According to the clause of the Arbitration Agreement the Sole Arbitrator shall be an Engineering Officer to be appointed by the

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Engineer-in-Chief or in his absence of the officer officiating as Engineer-in-Chief, Army Head Quarters, New Delhi.

Having

regard to the arbitration clause in terms of the agreement the appointment of Mr. B.R. Pradhan as Sole Arbitrator by the Chief Justice of the High Court is set aside.

We direct the Engineer-in-Chief, Army Head Quarters, New Delhi to appoint the Sole Arbitrator who is an Engineering Officer within one month from today. The Arbitrator so appointed shall complete the arbitration proceedings within four months thereafter from the date of his appointment.

If the



Leave granted.

The appeals are allowed in terms of the signed order.

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(PAWAN KUMAR)  
COURT MASTER

(ANAND SINGH)  
COURT MASTER

(signed order is placed on the file)