

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7 OF 2007

(arising out of SLP(C)No.10743 of 2006)

UNION OF INDIA & ANR.

... APPELLANTS

VERSUS

M/S. G.L. AGARWAL CONSTRUCTION

CORPORATION & ANR.

...

RESPONDENTS

O R D E R

Leave granted.

A limited notice was issued confined to the question as to why

the order impugned dated 23.9.2005 passed by the learned Chief Justice

of the Allahabad High Court should not be set aside and the matter may

not be remitted back to the learned Chief Justice for fresh consideration

of appointment of an Arbitrator in view of the statement made by the

appellant that they have already appointed an Arbitrator in terms of the

agreement.

It appears that this contention was raised before the learned

Chief Justice. However, without advertng to the said contention the learned Chief Justice appointed an Arbitrator by a cryptic order. This

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being the position, we set aside the order dated 23.9.2005 passed by the

learned Chief Justice and remit the matter back to the learned Chief

Justice for a fresh consideration keeping in view of the statement made

by the appellant that they have already appointed an Arbitrator in terms

of the agreement.

This appeal is allowed in the above terms.

.....J.
.....J.

(H.K. SEMA)

.....J.

(P.K.BALASUBRAMANYAN)

NEW DELHI,

JANUARY 03, 2007.

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ITEM NO.64

COURT NO.7

SECTION XI

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).10743/2006

(From the judgement and order dated 23/09/2005 in AA No. 25/2005 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

UNION OF INDIA & ANR.

Petitioner(s)

VERSUS

M/S. G.L. AGARWAL CONSTRUCTION CORP.&ANR

Respondent(s)

Date: 03/01/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.K. SEMA
HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

For Petitioner(s)

Mr.B. Datta, ASG.
Mr. Asheesh Jain, Adv.
Mr. R.C. Kathiya, Adv.
Mrs Anil Katiyar,Adv.

For Respondent(s)

Mr. Nitin Jain, Adv.
Mr. Pawan Shree Agrawal, Adv.
Mr. Ansar Ahmad Chaudhary,Adv.

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

Leave granted.

The order dated 23.9.2005 passed by the learned Chief Justice is set aside and the matter is remitted back to the learned Chief Justice for a fresh consideration keeping in view of the statement made by the appellant that they have already appointed an Arbitrator in terms of the

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agreement.

This appeal is allowed in terms of the signed order.

(PAWAN KUMAR)

(ANAND SINGH)

COURT MASTER

COURT MASTER

(signed order is placed on the file)