

ITEM NO.21

COURT NO.2

SECTION IVA

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).9415/2012

(From the judgement and order dated 15/10/2011 in MFA No.13083/2006
of The HIGH COURT OF KARNATAKA CIRCUIT BENCH ATR DHARWAD)

KARNATAKA NEERAVARI NIGAM LTD.

Petitioner(s)

VERSUS

M/S SHETTY CONSTRUCTION CO.P.LD.& ANR

Respondent(s)

(With prayer for interim relief and office report)

Date: 27/04/2012 This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR
HON'BLE MR. JUSTICE RANJAN GOGOI

For Petitioner(s)

Ms. Hetu Arora, AOR

For Respondent(s)

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

Having heard learned counsel for the petitioner and
having regard to the facts of this case, we are not inclined
to entertain the special leave petition, having particular
regard to the fact that the award was made in 2001 and was
made Rule of the Court in 2006.

The question of law, as raised by the learned counsel
in this matter, regarding the power of the Court to go into
the question of the existence of an arbitration agreement in
a proceeding under Section 8 of the Arbitration Act, 1940,
in view of the specific provision contained in Section 33
thereof, is left open for consideration in an appropriate
case.

The special leave petition is accordingly dismissed.
(Chetan Kumar) (Juginder Kaur)
Court Master Assistant Registrar

Note: Appearance Slip was not given in the Court.