

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(s). 2328 OF 2004

P & O NEDLLOYD LTD.

Appellant (s)

VERSUS

JAY PEE EXPORTS LTD. & ANR.

Respondent(s)

(With appln(s) for amendment of cause title)

Date: 10/11/2009 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Appellant(s) Mr. O.P. Gaggar,Adv.

For Respondent(s) Mr. Pramod Kumar,Adv.
Mr. Amit Kumar,Adv.
Mr. Ravindra Kumar ,Adv

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

The appeal is allowed in terms of the signed order.

Application for amendment of cause title is allowed.

(Arvind)
Sr. P.A.

(Vijay Dhawan)
Court Master

(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2328 OF 2004.

P & O Nedlloyd Limited

..Appellant

Vs.

Jay Pee Exports Limited & Anr.

..Respondents

O R D E R

Heard learned counsel for the parties. This appeal has been filed against the judgment dated 1.3.2004 of the National Consumer Disputes Redressal Commission, New Delhi. The facts in details have been set out in the judgment of the National Commission, hence we are not repeating the same. Learned counsel for the appellant submitted that the Indian Courts have no jurisdiction in the matter as per provisions of clause 4(2) of the Contract between the parties which is as under:

"24 LAW AND JURISDICTION

Unless Clause 25 applies or the Merchant elects the option

provided in Clause 27(5) the terms of this Bill of Lading shall be construed and rights of the parties determined, in accordance with English Law and all claims against the Carrier shall be brought before the High Court of Justice in London to the exclusion of the jurisdiction of any other court or place."

In view of the fact that the parties themselves agreed that the claims should be settled before the High Court of Justice in London, we are of the opinion that Indian Courts have no jurisdiction hence the impugned judgment of the National Commission was wholly without jurisdiction. The appeal is allowed. No costs.
Application for amendment of cause title is allowed.

.....J
(ASOK KUMAR GANGULY)

.....J
(MARKANDEY KATJU)

NEW DELHI
November 10, 2009.