

ITEM NO.39

COURT NO.2

SECTION XIIA

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).8143/2012

(From the judgement and order dated 11/11/2011 in CMA No.575/2011
of The HIGH COURT OF A.P AT HYDERABAD)

M/S MIC ELECTRONICS LTD.

Petitioner(s)

VERSUS

M/S INTERNATIONAL TECHNO MEDIA P.LTD.

Respondent(s)

(With prayer for interim relief)

Date: 12/03/2012

This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Petitioner(s)

Mr. L.Nageswara Rao, Sr. Adv.
Mr. G. Ramakrishna Prasad,AOR.
Mr. B.Suyodhan, Adv.
Mr. Bharat J.Joshi, Adv.
Mr. Shantosh Krishnan, Adv.

For Respondent(s)
/caveator

Mr. P.V. Kapur, Sr. Adv.
Mr. Rajeev Sharma,AOR.

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

This Special Leave Petition is being
considered for issuance of notice in the
presence of the respondent which is represented

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on caveat.

2. On behalf of the petitioner it has been
urged that since the appointment of an
Arbitrator made by the respondent was contrary
to the provisions of Section 11 of the
Arbitration and Conciliation Act, 1996, the suit
filed by him questioning the appointment of the

Arbitrator was maintainable, notwithstanding the provisions of Section 5 of the aforesaid Act.

3. Section 5 very clearly indicates that notwithstanding anything contained in any other law for the time being in force, in matters governed by Part-I of the Act, no judicial authority shall intervene, except where so provided in the said Part.

4. We are not inclined to accept the submissions advanced on behalf of the petitioner that, in the circumstances indicated, its suit challenging the appointment of the Arbitrator by the respondent would lie, despite the bar of Section 5 of the Act. In our view, the petitioner has his remedy as indicated by the High Court, by filing an application before the Arbitrator under Section 16 of the Act, since

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the Arbitrator is entitled to decide on his own jurisdiction.

5. We, accordingly, dismiss the Special Leave Petition, but this will not prevent the petitioner from making an appropriate application under Section 16 of the Act and taking therein all the various points, which have been urged before us.

6. We also make it clear that this order is being made irrespective of the objection which the petitioner had raised before the Arbitrator with regard to his appointment.

7. The petitioner will also be at liberty to take recourse to such other remedies, if any available to him, in accordance with law.

(Sheetal Dhingra)
COURT MASTER

(Juginder Kaur)
Assistant Registrar