

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). 6212-13 OF 2004

SHIN-ETSU CHEMICAL CO. LTD.

Appellant (s)

VERSUS

VINDHYA TELELINKS LTD. & ORS.

Respondent(s)

(With prayer for interim relief)

Date: 14/12/2005 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.K. SEMA

HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Appellant(s)

Mr. R.F. Nariman, Sr. Adv.

Mr. Dhruv Mehta, Adv.

Mr. Harshvardhan Jha, Adv.

Mr. Yashraj Singh Deora, Adv.

Mr. Surendra Manu, Adv.

for M/S K.L. Mehta & Co., Adv.

For Respondent(s)

Mr. G.L. Sanghi, Sr. Adv.

Mr. Rajesh Prasad Singh, Adv.

UPON hearing counsel the Court made the following

O R D E R

The appeals are disposed of in terms of the signed order.

(Ganga Thakur)

(Prem Prakash)

PS to Registrar

Assistant Registrar

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6212-6213 OF 2004

Shin-Etsu Chemical Co. Ltd.

Appellant(s)

Versus

Vindhya Telelinks Ltd. & Ors.

Respondent (s)

O R D E R

The connected Civil Appeal Nos. 6210-6211/04 have been disposed of by this Court on 7th

December, 2005 directing the trial court to dispose of the application under Section 45 of Arbitration

and Conciliation Act, 1996 (hereinafter referred to as 'the Act').

Mr. G.L. Sanghi, learned senior counsel has made a concession on the ground that the

appellant did not press the challenge of the order passed under Order VII, Rule 11, CPC. Since the

connected appeals have been disposed of in the above terms, we are of the view that these appeals

should also be disposed of by directing the trial court to dispose of the application under Section 45 of

the Act. Till such disposal of the application under Section 45, the injunction granted by the trial court

on 14.7.2003 shall remain operative. In other words the continuance of order of 14.7.2003 is depending

on outcome of the order that may be passed by the trial court under Section 45 application. The parties

are at liberty to pursue the legal remedy including interim order before the appellate court. The trial

court shall dispose of Section 45 application as expeditiously as possible preferably within three

months.

With the aforesaid direction these appeals are disposed of.

.....J.

(H.K. SEMA)

.....J.

(DR.AR. LAKSHMANAN)

New Delhi,

December 14, 2005