

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 2920 OF 2008

Basti Sugar Mills Company Limited. ..Appellant
versus
Union of India and others ..Respondents

O R D E R

In order to assail the enhancement of licence fee, brought in by the respondents, the appellant before this Court filed Writ Petition No. 42803 of 2005 before the High Court of Judicature at Allahabad. The aforesaid writ petition came to be disposed of by an order dated 28.10.2005. On account of the preliminary objection raised by the respondents, the appellant was relegated to its remedy before an arbitrator.

Dissatisfied with the order dated 28.10.2005, the appellant preferred a Civil Miscellaneous Review Application, wherein it was asserted, that the licence agreement between the parties did not contemplate arbitration, and as such, the preliminary objection raised by the respondents could not have been accepted. It is in the aforesaid background, that the review application filed by the appellant, was disposed of by an

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order dated 27.2.2006.

Digitally signed by
Parveen Kumar Chawla

The High Court reiterated its earlier

Date: 2014.08.08
16:50:34 IST
Reason:

decision. The only difference being, rather than relegating the parties to the arbitration under any agreement between them, the

relegation was made under Section 89 of the Code of Civil Procedure.

The solitary contention advanced at the hands of the learned counsel for the appellant before this Court was, that no

party can be required to settle a dispute by way of arbitration
without his express and voluntary consent. This factual/legal
position is not disputed by the learned counsel for the
respondents.

In view of the above, the orders dated 28.10.2005 and
27.02.2006 passed by the High Court are hereby set aside. The
High Court is directed to adjudicate upon writ Petition No.
42803 of 2005 filed by the appellant on merits, and in
accordance with law.

The appeal is allowed in the aforesaid terms.

.....J.
[JAGDISH SINGH KHEHAR]

NEW DELHI;
AUGUST 06, 2014.J.
[ROHINTON FALI NARIMAN]
3

ITEM NO.103 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

Civil Appeal No(s). 2920/2008

BASTI SUGAR MILLS CO.LTD. Appellant(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)
(with appln. (s) for permission to file rejoinder affidavit and
office report)

Date : 06/08/2014 This appeal was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Appellant(s) Mr. Rajiv Dutta, Sr.Adv.
Mr. Sanjeev Kr. Singh, Adv.
For Mr. T. Mahipal,AOR(Not present)

For Respondent(s) Mr. J.S. Attri, Sr. Adv.
Ms. Manita Verma, Adv.
for Mr. D. S. Mahra,AOR(Not present)

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

The appeal is allowed in terms of the signed order.

(Parveen Kr. Chawla) (Mala Kumari Sharma)
Court Master Court Master

[signed order is placed on the file]