

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7125 OF 2015
(Arising out of SLP(C) No. 17288/2013)

POWERGRID CORPORATION OF INDIA LTD. ...APPELLANT

:VERSUS:

L.S. CABLE

...RESPONDENT

ORDER

1. Leave granted.

2. This appeal is directed against the order dated 10th April, 2012 passed by the High Court of Delhi at New Delhi, rejecting the application for condonation of delay in filing the appeal.

3. We have heard the learned Attorney General for India appearing on behalf of the appellant and the learned counsel appearing on behalf of the respondent.

4. The question arose here is that whether the learned Single Judge when rejected the application, passed the order on 10th of April, 2012 or whether the order was passed subsequently. It appears from the order

itself that it has been specifically stated “oral order”, and whereas on the top of the said order was also stated that “pronounced on 10th April, 2012”. Now a dispute arose whether the judgment had been reserved on 10th April, 2012 when it was listed for hearing and pronounced any other day or whether the said order was pronounced on the very same day, i.e. 10th April, 2012.

5. Some explanations were tried to be given by the learned Attorney General before us. It was also not in dispute that the order itself shows that it was an “oral order”. We have also noticed, as has been done by the High Court, that it has been recorded that it was not listed in the category of pronouncement of judgment on that very day, i.e. 10th April, 2012. However, some doubt has been created in our mind. We do not intend to make any probe into the matter any further. In our opinion, at this stage, it would be appropriate to do complete justice to the parties, to give a chance to the appellant to have the benefit of hearing of the said appeal in respect of the application filed under Section 34 of the Arbitration and Conciliation Act, 1996, after condoning the delay. We have also been informed that if such a chance is granted, none of the parties would be prejudiced since the award has already been given effect to. However, for the purpose of hearing the appeal for setting

aside of the award, we have to set aside the order of the High Court and condone the delay in filing the same to assail the award before the High Court. Accordingly, we set aside the order of the High Court and condone the delay and we request the High Court to hear out the matter on merits. We further make it clear that this order will not be treated as a precedent in any manner whatsoever.

6. This appeal is thus disposed of in the afore-stated terms.

.....J
(Pinaki Chandra Ghose)

.....J
(R.K. Agrawal)

New Delhi;
14TH SEPTEMBER, 2015.

ITEM NO.57

COURT NO.12

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL NO.7125/2015

(@Petition(s) for Special Leave to Appeal (C) No(s). 17288/2013)

(Arising out of impugned final judgment and order dated 10/12/2012 in FAO No. 458/2012 passed by the High Court of Delhi at New Delhi)

POWERGRID CORP. OF INDIA LTD.

Petitioner(s)

VERSUS

L.S. CABLE

Respondent(s)

(With interim relief and office report)

Date: 14/09/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE

HON'BLE MR. JUSTICE R.K. AGRAWAL

For Petitioner(s)

Mr. Mukul Rohtagi, AG
Mr. Pawan Upadhyay, Adv.
Mr. Sarvjit Pratap Singh, Adv.
Ms. Sharmila Upadhyay, Adv.

For Respondent(s)

Mr. R.R. Dubey, Adv.
Mr. Sanjay Bansal, Adv.
Mr. Reepak Kansal, Adv.
Mr. G. K. Bansal, Adv.

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

Leave granted.

The Appeal is disposed of in terms of the signed order.

(VISHAL ANAND)
COURT MASTER

(CHANDER BALA)
COURT MASTER

(Signed Order is placed on the file)

