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SLP(C)No. 10311 OF 2005  
ITEM No.32

Court No. 1

SECTION IVA

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.10311/2005  
(From the judgement and order dated 04/04/2005 in MFA 4465/03  
of The HIGH COURT OF KARNATAKA AT BANGALORE)

M/S. CONSOLIDATED ENGG.ENTERPRISES

Petitioner (s)

VERSUS

PRINCIPAL SECY. IRRIGATION DEPTT. & ORS.  
(With prayer for interim relief)

Respondent (s)

Date : 10/05/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI  
HON'BLE MR. JUSTICE G.P. MATHUR

For Petitioner (s)Mr. R.F. Nariman, Sr.adv.  
Mr. G. Subba Rao, Adv.  
Mr. Joseph Pookkatt,Adv.  
Mr. Nikhil Majithia, Adv.  
Mr. Prashant Kumar,Adv.

For Respondent (s)

UPON hearing counsel the Court made the following

O R D E R

Issue notice limited to the question as to whether the applicability of Section 14 of the Limitation Act is excluded to an application under Section 34 of the Arbitration and Conciliation Act, 1996. The learned counsel for the petitioner has placed reliance on a two Judge Bench decision of this Hon'ble Court in Union of India Vs. Popular Construction Co. (2001) 8 SCC, 470. Prima facie we are of the opinion that in the abovesaid case the question for consideration was only about the applicability of Section 5 of the Limitation Act while there are observations made touching the applicability of even other provisions of the Limitation Act. The question calls for consideration by a three Judge Bench.  
Liberty to mention after service is complete.  
Prayer for interim relief is refused.

(Ajay Kr. Jain)  
(Radha R. Bhatia)  
Court Master  
Court Master