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C.A.No. 5267-5268 OF 2001
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ITEM NO. 101 PH COURT NO. 4 SECTION XIA

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CIVIL APPEAL NO (s) 5267-5268/2001

HINDUSTAN NEWSPRINT LTD. Appellant (s)

Versus

KOSHY VARGHESE & ORS. Respondent (s)

(with office report)

Date:11/03/2003.This/These Appeal(s) was/were called
on for hearing today.

CORAM:

HON'BLE MR. JUSTICE M.B. SHAH
HON'BLE MR. JUSTICE ARUN KUMAR

For the Appellant (s)

Mr.C.S. Vaidyanathan,Sr.Adv.,
Mr.C.N .Sreekumar,Adv.,
Mrs.M.L. Shyjatha,Adv.,
Miss Deepa S.Monappan,Adv.

For the Respondent (s)

Mr.L. Nageshwara Rao,Sr.Adv.,
Mr.Fazlin Anam,Adv.,
Mr.E.M.S. Anam,Adv.

Upon hearing counsel the Court made the following

O R D E R

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J
.SP2

Order dated 12.10.1999 passed by the learned single
Judge in O.P.No.6659/1998 is restored. Impugned judgment
and order is set aside. Appellant company may consider and
decide as directed by the Central Government as early as
possible. The appeals are allowed accordingly. There shall
be no order as to costs.

.SP1

(Vijay Kumar Sharma)
AR cum PS to Hon'ble Judge

(Janki Bhatia)
Court Master

Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5267-5268 OF 2001.

Hindustan Newsprint Ltd.

& .. Appellant

Versus

Koshy Varghese & Ors.

& .. Respondents

O R D E R

Heard the learned counsel for the parties.

In a case, where in a contract, there is no term for referring the dispute for arbitration, it is difficult to approve the reasons recorded by the High Court in allowing the appeal and setting aside the order passed by the learned Single Judge in writ petition and directing the Arbitrator to be appointed to resolve the contractual dispute between the parties. Hence, the impugned judgment and order passed by the High Court requires to be set aside.

However, the appellant Company is required to consider the directions issued by the Central Government. On the basis of the said directions, the learned Single Judge has passed the said order requesting the appellant Company to consider appointment of fresh committee to look into the matter.

Hence, the order dated 12.10.1999 passed by the learned Single Judge in O.P. No.6659 of 1998 is restored. The appellant Company may consider and decide as directed by the Central Government as early as possible. The appeals are allowed accordingly. There shall be no order as to costs.

.& & & & & & & & ..& & ..J.

(M.B. SHAH)

.& & ..& & & & & .& & .& & J.

(ARUN KUMAR)

New Delhi;
March 11, 2003.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION (C) No.38 OF 2002
IN
CIVIL APPEAL No.4914 OF 2000.

Nabi Jan

& .. Appellant

Versus

Shamshad Hussain & Ors.

& .. Respondents

O R D E R

Heard the learned counsel for the parties exhaustively.

Considering the dispute involved in the matter and contentions raised by the parties, in our view, this is not a fit case for initiating contempt proceedings against the respondents. Hence, the contempt petition is dismissed. Contempt notice shall stand discharged.

.& & & & & & & & ..& & ..J.

(M.B. SHAH)

.& & ..& & & & & ..& & ..J.

(ARUN KUMAR)

New Delhi;
March 11, 2003.