

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.115 OF 2007
(@ S.L.P.(C) No.6759/2006)

Jawahar Singh Appellant

versus

Union of India & Ors. Respondents

O R D E R

Heard both sides.

Leave granted.

Since the respondent Union of India did not appoint an arbitrator as per the Arbitration Clause 16.1, the appellant approached the High Court for appointment of an Arbitrator under Section 11 of the Arbitration Act. The High Court rejected the

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application filed by the appellant.

We have perused the Arbitration Clause 16.1, which reads thus:

"16.1 In case event of any difference of opinion between the Railway Administration and Contractor

as to the respective rights and obligations of the parties hereunder or as to the true intent and meaning of these presents or conditions thereof such difference of opinion or dispute shall be referred to the sole arbitration of an officer appointed by the General Manager, Northern Railway, for the time being, whose decision shall be final, conclusive and binding on the parties, and shall not be taken to any civil courts."

We have also heard arguments of the learned counsel for the appellant and of the learned Additional Solicitor General Mr. B. Datta. The Arbitration Clause clearly says that if there is a difference of opinion or dispute between the parties viz. Railway

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Administration and the Contractor, the same shall be referred to the sole arbitration of an officer appointed by the General Manager, Northern Railway, for the time being whose decision shall be final, conclusive and binding on the parties. In view of the above Arbitration Clause, instead of sending the matter back to the High Court, we direct the General Manager, Northern Railway, to refer the matter to a sole arbitrator of an officer appointed by him, who shall decide the matter within six months from the date

of entering upon the reference. The General Manager shall appoint the sole arbitrator within six weeks from today.

The learned counsel for the appellant has no objection in passing the above order instead of sending matter back to the High Court.

The Civil Appeal stands disposed of accordingly, No costs.

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.....,J.

(Dr. AR. LAKSHMANAN)

.....,J.

(ALTAMAS KABIR)

New Delhi,
Januar 8, 2007.

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ITEM NO.55

COURT NO.9

SECTION XIV

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(s).6759/2006

(From the judgement and order dated 10/03/2006 in AP No. 49/2005 of The HIGH

COURT OF DELHI AT N. DELHI)

JAWAHAR SINGH

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With office report)

Date: 08/01/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE Dr. JUSTICE AR. LAKSHMANAN

HON'BLE MR. JUSTICE ALTAMAS KABIR

For Petitioner(s)

Mr. Sandeep Sharma, Adv.

Mr. Pallav Sisodia, Adv.

Mr. Pankaj Bhagat, Adv.

Mr. Naresh Kumar, Adv.

For Respondent(s)

Mr. B. Datta, Sr. Adv.

Mr. Naresh Bakshi, Adv.

Mr. D.S. Mahra, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard both sides. Leave granted.

The Civil Appeal stands disposed of in terms of signed order placed

on the file. No costs.

(A.D. Sharma)

(Phoolan Wati Arora)

Court Master

Court Master

(Signed Order is placed on the file)