

SECTION IV B

Listed on

Court No.

IN THE SUPREME COURT OF INDIA Item No.

CIVIL APPELLATE JURISDICTION

INTERLOCUTARY APPLICATION NO.7

(Application for refund/release FDR)

IN

PETITION FOR SPECIAL LEAVE TO APPEAL(CIVIL)NO. 27866 OF 2010.

WITH PRAYER FOR INTERIM RELIEF

Railway Board Th: Its Chairman & Ors. ...Petitioner(s)

Versus

Punjab State Elect. Board ...Respondent(s)

OFFICE REPORT

The matter above mentioned was listed before the Hon'ble Court on 24.09.2010, 03.01.2011 and 20.10.2011, when the Court was pleased to pass the following orders :-

" Order dated 24.09.2010

Issue notice.

Learned counsel for the respondent states that by virtue of the order of the Arbitrator, Rupees One Hundred Ninety Four Crores would be due from the petitioners with interest. Having considered the facts and circumstances, we are of the view that interest of justice would be served if the petitioner(Railway Board) deposits a sum of Rupees One Hundred Fifty Crores in a fixed deposit with a nationalised Bank, for a period of one year so that the succeeding party will have the benefit of the interest amount. The amount to be deposited within twelve weeks and xerox copy of F.D. Receipt to be produced. On such deposit the execution by the respondent shall be stayed.

Counter in four weeks and rejoinder in eight weeks hereafter.

List in the category of "After Notice Matters" thereafter.

Order dated 03.01.2011

Learned ASG submits that in compliance with the order dated 24.9.2010, the petitioner has deposited rupees one hundred fifty crores with the State Bank of India, Chandni Chowk Branch, Delhi in the name of "FA CAO Northern Railway A/c Registrar, Supreme Court of India" vide term deposit (Account No. 3152795215) dated 7.12.2010. She requests for time to file an affidavit in regard to the said deposit and also produce a copy of the fixed deposit receipt.

Adjourned by four weeks to enable the petitioner to file the affidavit of compliance.

Rejoinder, if any, be also filed within four weeks.

Order dated 20.10.2011

Delay condoned.

Heard Mrs. Indira Jaising, learned Additional Solicitor General for the petitioners and Mr. R.P. Bhatt, learned senior counsel for the respondent.

This petition is preferred by Railway Board against the judgment and order dated 27.11.2009 passed by learned Single Judge of Punjab and Haryana High Court at Chandigarh, in petitioner's FAO No.3585 of 2007, whereby the petitioner's appeal preferred under Section 37 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as "the Act") has been dismissed.

Petitioner before the learned Single Judge had challenged the order dated 21.5.2007 passed by the Additional District Judge, Patiala, whereby the petitioners objections preferred under Section 34 of the Act were considered and rejected.

We have carefully gone through the order passed by the Trial Court as also the order passed by the learned Single Judge, impugned in this petition.

In our considered opinion, no case has been made out for interference against the said orders.

While making the award, the following directions were given by the learned Arbitrator:

- (1) That the parties are bound to act in terms of the order of the General Manager, Northern Railways.
- (2) That the parties shall work out the accounts in terms of the revised interpretation of the scheme given by the General Manager.
- (3) That the parties shall bear their own costs of these proceedings."

Admittedly, as per direction no.2 mentioned hereinabove, parties have to work out accounts in terms of the revised interpretation of the scheme given by the General Manager. This exercise has not yet been done by the parties.

It is also pertinent to mention here that at the time of issuance of notice by this Court, petitioner (Railway Board) was directed to deposit a sum of Rupees One Hundred Fifty Crores in a Nationalised Bank, which they have done on 7.12.2010 with the State Bank of India, Chandni Chowk, Delhi. The period of one year has since not yet expired.

In the light of this, we leave it to the parties to complete the exercise as contemplated under aforesaid direction no.2 given by learned Arbitrator. Thereafter, the amount which is found due to the respondent shall be either adjusted or paid from the aforesaid amount.

Interlocutory application for impleadment stands rejected. Special leave petition stands finally disposed of but with no order as to costs.

It is submitted that the contempt petition in the matter above mentioned was listed before the Hon'ble Court on 08.07.2013 when the Court was pleased to pass the following order:

"Heard Mr. R.P. Bhatt, Learned senior

counsel appearing for the contemnor. Ms. Indira Jaisingh, learned senior counsel appearing on behalf of the respondents opposes his contention.

After hearing for some time, Mr. Bhatt states that he is not pressing this contempt petition. It is accordingly disposed of as not pressed.

While disposing of it, we request the executing Court to hear and decide the execution applications filed by both the parties as expeditiously as possible."

It is further submitted that I.A. No. 6 (Application for clarification of Court's order 20.10.2011) was listed before the Hon'ble Court on 08.07.2013, when the following order was passed:

" Heard Ms. Indira Jaisingh, Learned senior counsel in support of this application and Mr. R.P. Bhatt, learned senior counsel appearing on behalf of the respondent.

We do not see any reason to clarify the working out of the accounts as sought herein. Either the parties will settle the dispute or executing Court will decide the applications of the petitioner.

I.A. No.6 stands disposed of."

It is further submitted that Mr. S.N. Terdal, Counsel for the petitioner has on 10.03.2015 filed an application for Refund/Release FDR, which is registered as I.A. No. 7.

The application in the matter above mentioned is listed before the Hon'ble Court with this office report.

Dated this the 18th day of April, 2015.

ASSISTANT REGISTRAR

Copy to:- Mr A.K. Sharma, Adv.
Mr. S.N. Terdal, Adv.

ASSISTANT REGISTRAR

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