

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A. NO.8 OF 2012

IN

CIVIL APPEAL NO.7864 OF 1996

ROHTAK & HISSAR DISTRICT ELECTRICITY
COMPANY LIMITED

Appellant(s)

VERSUS

THE U.P. POWER CORPORATION LTD.

Respondent(s)

O R D E R

On 10th February, 2011, on I.A. No.7 of 2010 filed in C.A. No.7864 of 1996, we had appointed Hon'ble Mr. Justice A.P. Misra, a retired Judge of this Court, as the sole Arbitrator to arbitrate on the disputes between the parties and to publish his award within four months from the date on which he entered upon the reference.

Subsequently, on the basis of an Office Report dated 10th July, 2012, in which it was indicated that the learned Judge was disinclined to function as the Arbitrator, we had adjourned the matter to enable the parties to take instructions and to suggest the name of another Arbitrator, who could be appointed in place of Justice Misra.

On behalf of the parties, a common name has been suggested, namely, Justice Umeshwar Pandey, a retired Judge of the Allahabad High Court. We are informed by learned counsel for the respondent that he has obtained consent of the learned Judge to be appointed as the Arbitrator. Accordingly, in place of Justice A.P. Misra, let Justice Umeshwar Pandey, be appointed as the sole Arbitrator to arbitrate on the disputes between the parties and to publish the award within four months from the date on which he enters upon reference, and, in the event, the award cannot be made within the said period, the parties will be at liberty to seek extension of time for making and publishing the award. The learned Arbitrator will be at liberty to fix his fees and the schedule for conducting the arbitration proceedings.

Let the records relating to the arbitration proceedings, which are now in the custody of the Allahabad High Court, be sent to Mr. Justice Umeshwar Pandey forthwith.

Let copies of this order be sent by the Registry to the Registrar General of the Allahabad High Court and also to Mr. Justice Umeshwar Pandey. Let copies of this order be made available to the learned Advocates of the respective parties for communication.

I.A. No.8 of 2012, is, accordingly, disposed of.

(ALTAMAS KABIR)

.....CJI.

.....J.
(SURINDER SINGH NIJJAR)

.....J.
(J. CHELAMESWAR)

New Delhi;
October 16, 2012.

ITEM NO.41 COURT NO.1 SECTION XII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO.7864 OF 1996

ROHTAK & HISSAR DISTRICT ELECT. CO.LTD. Appellant (s)

VERSUS

THE U.P. POWER CORPORATION LTD. Respondent(s)

(With appln(s) for directions and office report)

Date: 16/10/2012 This Appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR
HON'BLE MR. JUSTICE J. CHELAMESWAR

For Appellant(s) Ms. Sandhya Goswami, AOR
Ms. Nikhar Beery, Adv.
Mr. Jabar Singh, Adv.

For Respondent(s) Mr. T. Mahipal, Adv.
Mr. Pradeep Misra, AOR

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

I.A. No.8 of 2012, is disposed of in terms of the signed
order.

|(Chetan Kumar)
|Court Master

| |(Juginder Kaur)
| |Assistant Registrar

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(Signed order is placed on the file)