

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3599 OF 2012

(arising out of S.L.P. (Civil) No. 10566 OF 2011)

BHUSHAN POWER & STEEL LTD.

Appellant(s)

VERSUS

STEEL(SINGAPORE) TRADING PTE.LTD.

Respondent(s)

O R D E R

Leave granted.

2. We have heard Mr. Shyam Divan, learned senior counsel for the appellant, and Mr. Narendera M. Sharma, learned counsel for the respondent.

3. In the course of hearing, we indicated to the learned counsel for the respondent that the reasoning given by the Division Bench of the Calcutta High Court in upsetting the order of the learned single Judge was not legally sustainable. Mr. Narendera M. Sharma, learned counsel for the respondent, did not have much to say and agreed that the impugned order dated January 21, 2011 may be set aside.

4. We, accordingly, set aside the order dated January 21, 2011 passed by the Division Bench.

5. Having regard to the fact that the appellant has its office situate in Delhi, we exercise our suo motu power under Section 25 of the Code of Civil Procedure, 1908 read with Order XXXVIB of the Supreme

2

Court Rules, 1966 and transfer the petition being A.P. No. 197/2010 filed before the Calcutta High Court by the appellant under Section 34 of the Arbitration and Conciliation Act, 1996 to the Delhi High Court.

The Registry of the Calcutta High Court shall transmit the entire record and proceedings of A.P. No. 197/2010

titled M/s Bhushan Power & Steel Limited Vs.

Steel (Singapore) Trading Pte. Ltd. to the Registry of the Delhi High Court without any delay.

6. The parties shall appear before the Delhi High Court on May 21, 2012.

7. Civil Appeal is disposed of accordingly with no order as to costs.

.....J.
(R.M. LODHA)

NEW DELHI;
APRIL 17, 2012

.....J.
(H.L. GOKHALE)

3

ITEM NO.9

COURT NO.6

SECTION XVI

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).10566/2011

(From the judgement and order dated 21/01/2011 in APOT No.371/2010 of The HIGH COURT OF CALCUTTA)

BHUSHAN POWER & STEEL LTD.

Petitioner(s)

VERSUS

STEEL(SINGAPORE) TRADING PTE.LTD.

Respondent(s)

(With appln(s) for ex-Parte stay and office report)

(FOR FINAL DISPOSAL)

Date: 17/04/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s)

Mr. Shyam Divan, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agrawala, Adv.
Mr. E.C. Agrawala, Adv.
Mr. Ankit Shah, Adv.
Mr. Abhinav Agarwal, Adv.

For Respondent(s)

Mr. Narendera M. Sharma, Adv.
Mr. J.K. Choudhry, Adv.
Mr. Ajay Choudhary, Adv.

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

Leave granted.

Civil Appeal is disposed of in terms of the signed order.

(Rajesh Dham)
Court Master

(Renu Diwan)
Court Master

(signed order is placed on the file)