

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.11110-11111/2003

(From the judgement and order dated 07/05/2003 in APOT 235/03 and 238/2003 of The HIGH COURT OF CALCUTTA)

MAHESHWARI STEEL PVT. LTD.

Petitioner (s)

VERSUS

ARAVALI SECURITIES & FINANCE LTD.

Respondent (s)

(With prayer for interim relief)

( With Appln(s). for exemption from filing c/c of the impugned Judgment )

Date : 17/07/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI

HON'BLE MR. JUSTICE ASHOK BHAN

For Petitioner (s)Mr. Bhaskar P. Gupta, Sr.Adv.

Mr. Parijat Sinha,Adv.

For Respondent (s)Mr. Kumar Rajesh Singh, Adv.

Mr. Praveen Kumar, Adv.

Mr. Prateek Kumar, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard on the question of admission.

The petitioner has filed a civil suit of his own. The respondent filed an application under Section 34 of the Arbitration Act, 1940 seeking stay of the suit. That application was rejected. It appears that during the pendency of the suit, the respondent has commenced proceedings under the Arbitration and Conciliation Act, 1996 which, according to the petitioner, are without jurisdiction

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and could not have been commenced. If that be so, the petitioner can still have the remedy available to him under the law and the order passed by the Civil Court does not come in his way of availing such remedy.

Subject to that observation, the special leave petitions are dismissed.

(N. Annapurna)  
Court Master

(Radha R. Bhatia)  
Court Master