

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(s). 1141 OF 2006

GAMMON INDIA LTD. Appellant (s)

VERSUS

STATE OF HARYANA & ANR. Respondent(s)

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

Date: 29/09/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

For Appellant(s) Ms. Rukhmini Bobde, Adv.
Mr. Sameer Parekh, Adv.
Mr. E.R. Kumar, Adv.
Mr. Galav Sharma, Adv. for
M/S. Parekh & Co.

For Respondent(s) Mr. Vikas Sharma, Adv. for
Mr. Kamal Mohan Gupta, Adv.

Rr-Ex-Parte

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

Appeal is disposed of in terms of signed order. No
costs.

(Pardeep Kumar) (Renu Diwan)
Court Master Court Master
[SIGNED ORDER IS PLACED ON THE FILE]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1141 OF 2006

GAMMON INDIA LTED. ...APPELLANT

VERSUS

STATE OF HARYANA & ANOTHER ...RESPONDENTS

O R D E R

1. We have heard Ms. Rukhmini Bobde, learned counsel for the appellant and Mr. Vikas Sharma, learned counsel for respondent No. 1 - State of Haryana.

2. The only question that needs to be considered in this appeal is whether the parties be referred for resolution of their disputes to arbitration.

3. It appears that before the High Court, it was suggested on behalf of the appellant that dispute can be resolved through arbitration of a retired Judge of the Supreme Court or High Court. Few names were suggested in the application made by the appellant on February 9, 2003 before the High Court, particularly para 2 thereof.

4. In response to the said application, in its reply, respondent No. 1 submitted that they have no objection if arbitration is done by one of the judges

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mentioned in para 2 of the application. But it was further submitted that Arbitrator, so appointed, be assisted by any two Civil Engineers chosen by the Arbitrator from a panel of names of Civil Engineers given by respondent No. 1 -the State of Haryana.

5. Before us, learned counsel for the parties submitted that in place of the names suggested in para 2 of the application dated February 9, 2003, Justice Shri Mukul Mudgal (Retired Chief Justice of Punjab & Haryana High Court) may be appointed as Arbitrator to be assisted by two Civil Engineers to be chosen by the Arbitrator from the panel of names that may be given by respondent No. 1 - State of Haryana.

6. Accordingly, we dispose of this appeal by following order:

a) Justice Shri Mukul Mudgal (retired

Chief Justice of Punjab & Haryana High Court) is appointed as Arbitrator for resolution of the disputes between the parties.

b) The Arbitrator shall be assisted by two Civil Engineers chosen by him from the panel of names of Civil Engineers given by respondent No. 1 - State of Haryana.

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c) The terms of arbitration shall be settled by the Arbitrator in consultation with the parties.

7. No order as to costs.

.....J.
[R.M. LODHA]

.....J.
[JAGDISH SINGH KHEHAR]

NEW DELHI
SEPTEMBER 29, 2011.