

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 17908/2011

(Arising out of impugned final judgment and order dated 18/11/2010 in AA No.1/2009 passed by the High Court of Punjab and Haryana at Chandigarh)

IMPROVEMENT TRUST, LUDHIANA

Petitioner(s)

VERSUS

ARKITECKTUREL GRIDS & ORS.

Respondent(s)

(with appln. (s) for directions and permission to file additional documents and interim relief and office report)
(FOR FINAL DISPOSAL)

Date : 05/02/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA
HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s) Mr. Sahil Sagar, Sr. Adv.
Mr. Ajay Pal, Adv.
Mr. P.P. Nayak, Adv.
Mr. S. Sagar, Adv.

For Respondent(s) Mr. Himinder Lal, Adv.
Ms. Rajni Ohri Lal, Adv.

Mr. Jagjit Singh Chhabra, Adv.
Mr. Saksham Maheshwari, Adv.

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

The limited question for consideration in this special leave petition is as to the stand of the respondent that the appointment of Arbitrator could not have been made, inasmuch as the very agreement itself was void. It is also represented on behalf of Respondent No.1 that on a similar issue, the High Court took the view that the agreement itself was void and, therefore, no Arbitrator could be appointed, that the issue came before this

Court and this Court remitted the matter back to the High Court by not agreeing with the view of the High Court. Thereafter, the High Court stated to have appointed the Arbitrator leaving it open for the Arbitrator to decide the question relating to the voidability of the agreement.

In the light of the said development, as identical question is involved in this special leave petition, we also do not propose to interfere with the order impugned. We leave it open for the Arbitrator appointed by the High Court to deal with that very issue as to the voidability and legality of the agreement.

It is open for the petitioner to raise such pleas before the Arbitrator and seek for appropriate orders on that issue. Leaving it open, as above for the parties to urge their respective stand, the special leave petition stands disposed of.

Pending application(s), if any, shall stand disposed of.

(NARENDRA PRASAD)
COURT MASTER

(SHARDA KAPOOR)
COURT MASTER