

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

I.A. 4/2014 in Civil Appeal No(s). 11371/2013

NATURAL SUGAR & ALLIED INDUSTRIES LTD.

Appellant(s)

VERSUS

JAGADAMBA SAHAKARI SAKHAR KARKHANA LTD.& ANR. Respondent(s)
(For modification of court's order dated 16.12.2013 and office report)

Date : 01/08/2014 This application was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

For Appellant(s)

Mr. A.V. Savant, Sr. Adv.
Mr. M. Y. Deshmukh, Adv.
Mr. Nitin B. suryavanshi, Adv.

For Respondent(s)
For RR 1

Mr. Nachiketa Joshi, Adv.

For State

Mr. Aniruddha P. Mayee, Adv.
Mr. Charudatta Mahindrakar, Adv.
Mr. A. Selvin Raja, Adv.
For Ms. Asha Gopalan Nair, Adv.

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

By consent we dispose of the appeal itself.

We have heard learned counsel for the parties.

The appeal is allowed in terms of the signed

order and direct the application filed under

Section 34 be heard and decided on merits.

Signature Not Verified
Digitally signed by
Kalyani Gupta
Date: 2014.08.09
13:45:58 IST
Reason:

It is made clear that all the contentions of
the respective parties are left open to be urged

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before the learned District Judge in the
application to be decided. We only direct the
learned District Judge to dispose of the
application as expeditiously as possible preferably
within a period of one year from the date of
production of a copy of this order.

In view of the order passed above, all interim orders stand vacated.

[KALYANI GUPTA]
COURT MASTER

[SHARDA KAPOOR]
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE.]

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 11371 OF 2013

NATURAL SUGAR & ALLIED
INDUSTRIES LIMITED

..... APPELLANT

VERSUS

JAGADAMBA SAHAKARI SAKHAR
KARKHANA LIMITED & ANOTHER

..... RESPONDENTS

O R D E R

By consent, we dispose of this appeal itself.

2. The short issue which arises for consideration in this appeal is as to whether the dismissal of the appellant's application filed under Section 34 of the Arbitration and Conciliation Act, 1996, by the learned District Judge on the ground that the appellant did not seek the leave of the Registrar before challenging the Award under Section 34 of the Act was justified.

3. We have heard learned counsel for the parties.

4. We are of the considered view that in this case, the challenge made under Section 34 ought not to have been rejected on a technical ground for not having obtained the consent of the Registrar. Therefore, without setting up as

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a precedent in any future cases, we allow this appeal, set aside the impugned order of the learned District Judge and

direct the application filed under Section 34 be heard and decided on merits.

5. It is made clear that all the contentions of the respective parties are left open to be urged before the learned District Judge in the application to be decided.

We only direct the learned District Judge to dispose of the application as expeditiously as possible, preferably within a period of one year from the date of production of a copy of this order.

6. In view of the order passed above, all interim orders stand vacated.

.....J
[FAKKIR MOHAMED IBRAHIM KALIFULLA]

.....J
[SHIVA KIRTI SINGH]

NEW DELHI,
AUGUST 01, 2014.