

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 (Civil) No(s).14094/2006

(From the judgement and order dated 05/09/2005 in WP No.1359/2005 of The HIGH COURT OF CALCUTTA)

UNION OF INDIA & ANR Petitioner(s)

VERSUS

SHANKAR TRADERS Respondent(s)

[FOR FINAL DISPOSAL]

Date: 12/03/2012     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.     Mohan Jain, ASG  
   Ms.     Shipra Ghose, Adv.  
   Mr.     D.K. Thakur, Adv.  
   Ms.     Jaspreet Aulakh, Adv.  
   Mr.     B.K. Prasad, Adv.  
   Mr.     D.S. Mahra, Adv.

For Respondent(s)     Mr.     Praveen Kumar Jain, Adv.  
   Mr.     Naveen Kumar Jain, Adv.  
   Mr.     Kul Bhushan Mehta, Adv.  
   Mr.     Rameshwar Prasad Goyal, Adv.

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

Heard Mr. Mohan Jain, learned Additional Solicitor General for the petitioners, and Mr. Praveen Kumar Jain, learned counsel for the respondent.

In the counter affidavit filed by the respondent the following statement has been made :-  
"ii. That on 02-03-2006 (before filing this Special Leave Petition in May 2006), during the thirteenth sitting of the Arbitral Tribunal, the Petitioners had already moved an application u/s 16 of the Act before the Sole Arbitrator challenging his appointment by the Chief Justice of Calcutta High Court u/s 11(6) of the Act vide order dt. 28-02-05. The said application is pending before the Arbitrator for adjudication. Suppressing this material fact, then the Petitioners had also filed this Special Leave Petition before this Hon'ble Court challenging the dismissal of their Writ Petition No. 1359/2005 by the Calcutta High Court."

In view of the above position, we are satisfied that no case for invocation of our jurisdiction under Article 136

of the Constitution of India is made out.

Special leave petition is dismissed accordingly.

(Rajesh Dham)  
Court Master

(Renu Diwan)  
Court Master