

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 5147 OF 2006

State of Andhra Pradesh and another ..Appellants

versus

T.A. Choudhary ..Respondent

O R D E R

Having perused the determination of the arbitrator, with reference to clause 59 of the contractual agreement between the parties, dated 27.11.1978, in the facts and circumstances of this case, we find no infirmity therein.

2. In the above view of the matter, we are of the view, that the interpretation of the aforesaid clause, with reference to sections 23 and 73 of the Indian Contract Act, was wholly uncalled for, at the hands of the High Court, in the impugned order dated 1.5.2003. Likewise, the observations recorded by the High Court, with reference to the provisions of the Contract Act, were unnecessary, specially when the issue had been adjudicated in the facts and circumstances of the case, based on the understanding of the rival parties, expressed in the terms of the contract.

3. In view of the above, we find no justification whatsoever to interfere with the impugned order, but for the observations

recorded in the foregoing paragraph.

4. Disposed of in the aforesaid terms

.....CJI
[JAGDISH SINGH KHEHAR]

.....J.
[Dr. D.Y. CHANDRACHUD]

NEW DELHI;
FEBRUARY 28, 2017.

.....J.
[SANJAY KISHAN KAUL]

ITEM NO.102

COURT NO.1

SECTION XIIA

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

Civil Appeal No(s). 5147/2006

STATE OF A.P. & ANR.

Appellant(s)

VERSUS

T.A. CHOUDHARY
(with office report)

Respondent(s)

Date : 28/02/2017 This appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Appellant(s) Mr. Gurukrishna Kumar, Sr. Adv.
Ms. Prerna Singh, Adv.
for Mr. Guntur Prabhakar, AOR

For Respondent(s) Mr. K. Maruthi Rao, Adv.
for Mrs. Anjani Aiyagari, AOR

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

The civil appeal stands disposed of, in terms of the signed order.

(Renuka Sadana)
Assistant Registrar

(Parveen Kumar)
AR-cum-PS

[signed order is placed on the file]