

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS
CIVIL APPEAL NO(s). 3763 OF 2002

STATE OF WEST BENGAL & ORS.

Appellant (s)

VERSUS

SAHA & CO.

Respondent(s)

(With office report)

Date: 27/02/2008 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.K. SEMA
HON'BLE MR. JUSTICE MARKANDEY KATJU

For Appellant(s)

Mr. Tapas Ray, Sr. Adv.
Mr. Avijit Bhattacharjee, Adv.
Mr. Saumya Kundu, Adv.

For Respondent(s)

Mr. H.K. Puri, Adv.

UPON hearing counsel the Court made the following
ORDER

This appeal is allowed in terms of the signed order. The
impugned order of the High Court is set aside. The matter is
remanded to the High Court to dispose of afresh after dealing with all
the grounds mentioned in the memorandum of appeal.

The appellant may approach the High Court for an interim
order.

(Ravi P. Verma)
Court Master

(Anand Singh)
Court Master

[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3763 OF 2002

STATE OF WEST BENGAL & ORS.

.....APPELLANT(S)

Versus

SAHA & CO.

.....RESPONDENT(S)

ORDER

After hearing learned counsel for the parties, we propose to dispose of this appeal by a short order.

The grounds on which this appeal would succeed is that in the appeal memo a specific ground is taken that after the acceptance of the final measurement while accepting the Ninth Running Account Bill being the Final Bill, no arbitrable dispute would remain between the appellant and the respondent.

We have gone through the judgment rendered by the Division Bench. The aforesaid ground raised in the memorandum of appeal and the other grounds have not been dealt with by the Division Bench of the High Court. On this sole ground, this appeal succeeds.

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This appeal is allowed. The impugned order of the High Court is set aside. The matter is remanded to the High Court to dispose of afresh after dealing with all the grounds mentioned in the memorandum of appeal.

The appellant may approach the High Court for an interim order.

.....J.
(H.K. SEMA)

New Delhi;
February 27, 2008.

.....J.
(MARKANDEY KATJU)