

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5190 OF 2005

Techno Exports Foreign Trade Co. Ltd. & Anr. ... Appellants

Vs.

Vikrant Tyres Ltd. ... Respondent

With

Civil Appeal No.5403 of 2005

And

Civil Appeal Nos.5404-5405 of 2005

O R D E R

Civil Appeal No. 5190 of 2005

1. The appeal has been filed against the judgment and order dated 15.4.2005 passed in RFA No.152 of 2000 by the High Court of Karnataka at Bangalore.

2. Fact and circumstances giving rise to this appeal are that:

A. The parties entered into a commercial contract which contained arbitration clause that any dispute in respect of the said contract would be referred to for arbitration to the Arbitration Court of the Czechoslovakia Chamber of Commerce and Industry in Prague and shall be adjudicated upon under the rules and in accordance with the Czechoslovakia substantive law.

B. The contract was given effect to in 1991 and on 1.1.1993, the Czechoslovakia split into two States; Czech Republic and Slovak Republic. First appellant being domiciled in Czech and carrying on business therein adopted the laws of the Republic of Czech. As a consequence, the above referred to Arbitration Court also suffered restructure and was changed into Economic Chamber of Czech Republic and its name has been the Arbitration Court attached to the Economic Chamber of Czech Republic and Agricultural Chamber of Czech Republic.

C. The shareholder of the respondent-company filed Original Suit No. O.S. 677 of 1996 before the Civil Judge, Junior Division, Mysore on 13.7.1996 and obtained certain interim order restraining the said Arbitration Court in Czech Republic to proceed with the matter. Though the suit was dismissed, ultimately, however, the interim award had been made by the court during the pendency of the suit and thus, the question arose regarding the validity and correctness of the arbitration award given by the Arbitration Court in Czech Republic in Prague.

3. The view taken by the High Court that all proceedings in Arbitral Tribunal in Czech Republic had been in contravention of the interim order passed by the Civil Court Mysore, thus, stood vitiated.



Mr. Tayenjam Momo Singh, Adv.

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

Appeals are dismissed in terms of the signed order.

(O.P. Sharma)

(M.S. Negi)

Court Master

Court Master

(Signed order is placed on the file)