

ITEM NO.1

COURT NO.8

SECTION XVI

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

I.A. 13-15/2014 in Petition(s) for Special Leave to Appeal (C)
No(s). 17871-17873/1998

(Arising out of impugned final judgment and order dated 05/06/1998
in AP No. 138/1996, AP No. 139/1996, AP No. 140/1996 passed by the
High Court Judicature at Calcutta)

U.O.I. & ORS

Petitioner(s)

VERSUS

MANORANJAN MONDAL

Respondent(s)

(for substitution of arbitrator and office report)

Date : 15/09/2014 These applications were called on for hearing
today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE

For Petitioner(s) Mr. S.P. Singh, Sr. Adv.
Mr. Syed Tanweer Ahmad, Adv.
Mr. Swati Chandra, Adv.
Mr S.N. Terdal, Adv.
Ms. Sushma Suri, Adv.

For Respondent(s) Mr. Deba Prasad Mukherjee, Adv.

Mr. Abijeet chatterjee, Adv.
Mr. Kartik Mondal, Adv.
Mrs Sarla Chandra, Adv.

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

This is an application for substitution of the
Arbitrator.

Heard Mr. S.P. Singh, learned senior counsel for the
petitioner. This Court, on 25.08.2014, had passed the
following order:

"Learned counsel for the applicant-respondent

states that he has instructions, keeping in view the protracted arbitral proceedings, Rs.2,60,00,000/- (Rupees two crores and sixty lakhs) provided the Railways reciprocate in so far as their claim of Rs. 60,00,000/- (Rupees sixty lakhs) is concerned. It also appears that it is the applicant-respondent who had raised their claim for the first time, and the Railways thereafter preferred their own claim. This is a matter which ought to be settled in view of the statement of the counsel for the applicant.

Counsel for the Railways to take instructions within two weeks."

Mr. Singh, learned senior counsel appearing for the railways submitted that he has taken instructions and the Railways is of the view that it is entitled to get the money from the claimant and not the vice-versa. Be that as it may, without entering into the said arena, which we really cannot, we only request the learned Arbitrator to finally dispose of the arbitration proceedings and pass an award by 31.12.2014.

Learned counsel for the parties are directed to participate in the proceedings on each day and not seek any adjournment on any ground. If any of the parties seek adjournment, on an application being moved afterwards, this Court may think of imposing heavy costs.

The applications are accordingly disposed of.

(NAVEEN KUMAR)
COURT MASTER

(RENUKA SADANA)
COURT MASTER