

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).15142-15143/2012

(From the judgement and order dated 02/03/2012 in CMWP No.55867/2007,CMWP No.10501/2008 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

NARSI CREATION PVT. LTD AND ANR Petitioner(s)

VERSUS

STATE OF UP AND ORS Respondent(s)

(With appln(s) for exemption from filing O.T. and prayer for interim relief and office report)

Date: 10/05/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DEEPAK VERMA  
HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

For Petitioner(s) Mr. Pramod Swaroop, Sr. Adv.  
Mr. Devendra Singh, Adv.  
Mr. Sushanta Kumar Nanda, Adv.  
Mr. Swagat Kumar Nanda, Adv.

For Respondent(s) Mr. Irshad Ahmad, Addl. Adv. Gen., U.P.  
Mr. Vishwajit Singh, Adv.  
Mr. Abhindra Maheshwari, Adv.  
Mr. Pankag Singh, Adv.

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

Learned senior counsel Mr. Pramod Swaroop submitted that he would rather like to exhaust the remedy available to the petitioner under Clause 28 of the Memorandum of Understanding entered into between the petitioner and respondent-State.

Clause 28 of the MOU reads as under :-

"That in the event of any dispute with regard to terms & conditions of the MOU, the same shall be referred to the decision of an arbitrator, to be appointed in writing by the parties, or if they cannot agree upon a single arbitrator to the decision of three persons as arbitrators, one to be appointed by each party and they shall appoint the third arbitrator who shall act as the presiding arbitrator."

This provides for appointment of the Arbitrator, to be appointed in writing, by the parties.

Mr. Irshad Ahmad, Additional Advocate General of U.P., has

taken notice on behalf of the State, who prays for some time to inform us about the name of the Arbitrator and the petitioner may also suggest the name of the Arbitrator so that the matter may be referred to Arbitration by the Court.

(Jayant Kumar Arora)  
Sr. P.A.

(S.S.R. Krishna)  
Court Master