

d

SLP(C)No. 18615 OF 1999
ITEM No.36

Court No. 7

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

Petition(s) for Special Leave to Appeal (Civil) No.18615/1999

(From the judgment and order dated 5.8.99 In Arb.P.No.440/98
OF THE HIGH COURT OF CALCUTTA)

UNION OF INDIA AND ANR

Petitioner (s)

VERSUS

M/S MUKHERJEE & MUKHERJEE P.LTD.

Respondent (s)

(With prayer for interim relief)
(With office report)

Date : 25/02/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.P. MOHAPATRA
HON'BLE MR. JUSTICE P. VENKATARAMA REDDI

For Petitioner (s) Mr. K.N.Rawal,ASG.
Mr. Rajiv Nanda,adv.
Mr. S.N.Terdol,adv.
Mr. B. Krishna Prasad,Adv.

For Respondent (s) Mr. Gaurab K.Banerjee,adv.
Mr. Sidharth Bhatnagar,adv.
Mr. Prashant Kumar,Adv.
Mr. Joseph Pookkatt,adv.

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

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Heard Mr. K.N.Rawal, learned Additional Solicitor
General appearing for the petitioners and Mr. Gaurab
Banerjee, learned counsel appearing for the respondent.

In the judgment of the Constitution Bench of this
Court in the case of M/s. Konkan Railway Corpn. Ltd. &
Anr. vs. M/s. Rani Construction Pvt. Ltd. reported in
2002 (1) SCALE 465 it has been held that no petition under
Art.32 of the Constitution can be filed against the order

passed by the Chief Justice of the High Court for
appointment of the Arbitrator under Sec.11(4) of the
Arbitration and Conciliation Act, 1996. In view of the

decision of the Constitution Bench this special leave petition is dismissed as not maintainable. However, it is made clear that it will be open to the parties to raise such contention before the Arbitrator as available in law.
The SLP is dismissed.

.SP1

(Suman Wadhwa)
Court Master

(S.Malkani)
Court Master