

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.18320/2000

(From the judgement and order dated 03/07/2000 in AN 284/00
inArb. Petn. No. 141/96 in Award No.8/96)
of The HIGH COURT OF BOMBAY)

CALCUTTA FOOTWEAR CO. P. LTD. Petitioner (s)

VERSUS

ORIENTAL INSURANCE CO. LTD. & ANR. Respondent (s)

(With prayer for interim relief)

Date : 20/11/2000 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M. JAGANNADHA RAO
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

For Petitioner (s) M/s.Dipen V.Merchant, S.Aravindh,adv
Mr. Rakesh K. Sharma,Adv.

For Respondent (s)

UPON hearing counsel the Court made the following
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Learned Single Judge has gave a finding that there was a dispute which could have been referred to arbitration. When an appeal was preferred before the Division Bench, while granting stay, it said that, prima facie, there appeared to be no dispute which could be referred to arbitration. While arriving at this prima facie conclusion, the Division Bench did not give any details as to why it felt that there was a prima facie case and to why it was differing from the view of the

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learned Single Judge.

The petitioner has moved this Court for setting aside the order of the Division Bench. The petitioner may move an application before the Division Bench of the High Court for a review of the order passed by it on 3.7.2000, so that the High Court can deal with the the question of prima facie case on merits.

With the above observation, the SLP is dismissed.

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(T.K.Viswanadhan)
Cour Master

(D.D.Jindal)
Court Master