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SLP(C)No. 18476 OF 2000

ITEM No.14

Court No. 7

SECTION XVI
A/N MATTER

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.18476/2000

(From the judgement and order dated 12/07/2000 in GA 2602/00
of The HIGH COURT OF CALCUTTA)

UNION OF INDIA

Petitioner (s)

VERSUS

S.S. CONSTRUCTION

Respondent (s)

(With prayer for interim relief)
(With Appln(s). for permission to submit additional document(s))
(Office report)

Date : 27/04/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

For Petitioner (s) Mr. Soli J. Sorabjee, Attorney General
Mr. Huzefa Ahmadi, Adv.
Mrs Anil Katiyar, Adv.

For Respondent (s) Mr. A.K. Ganguli, Sr. Adv.
Mr. Chanchal Kumar Ganguli, Adv.
Mr. Assis Mathew, Adv.

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

.....L.....I.....J
.SP2

Leave granted.
Appeal is allowed in terms of the signed order.
There will be no order as to costs.

.SP1

(Meenu Sethi)
Court Master

(Om Prakash)
Court Master

Signed order is placed on the file

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.....L.....I.....J
.PL57

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3369 OF 2001@@
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(Arising out of SLP(C) No. 18476 of 2000)

Union of India ...Appellant

Versus

S.S.Construction ...Respondent

O R D E R

.SP2
.....L.....I.....J

Leave granted.

An award was made on certain disputes arising between the parties and referred to arbitration. The award referred to various points in dispute and the evidence on record as well as to the provisions of law before arriving at the conclusion. The award made by the arbitrator was objected to by the applications filed under Section 30 and 33 of the Arbitration Act and the objections having been overruled by the High Court an appeal was filed unsuccessfully. Hence this appeal by way of Special leave.

Having gone through the award and the orders made by the learned Single Judge and the Division Bench, we think that the various contentions urged on behalf of the parties have not been duly considered by the High Court. Therefore, the orders made by the learned Single Judge and the Division Bench in regard to this proceeding shall

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stand set aside and the matter shall stand remitted to the learned Single Judge for fresh consideration on merits in accordance with law and in the light of the observations made by us. The appeal is allowed accordingly. In the circumstances of the case, there will be no order as to costs.

.SP1
.....J
(S. RAJENDRA BABU)

.....J
(K.G. BALAKRISHNAN)

New Delhi,
April 27, 2001.