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C.A.No. 1688 OF 1999

ITEM No.105

Court No. 1

SECTION XIV

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

Civil Appeal No.1688 of 1999

M/s. Bry Air (Inida) P. Ltd.Appellant (s)

VERSUS

M/s. Ram Bahadur Thakur P. Ltd.Respondent (s)

(With office report)

Date : 10-03-2004 This appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE S.H. KAPADIA

For Appellant (s)Mr. J.P. Singh, Adv.
Mr. S.S. Jauhar, Adv.

For Respondent (s)Mr. M.P. Vinod, Adv.
Mr. Deepak Prakash, Adv.

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

The appeal is dismissed. There shall be no order as to costs.

[Alka Dudeja] [Janki Bhatia]
Court Master Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1688 OF 1999

M/s. Bry Air (Inida) P. Ltd.... Appellant (s)

VERSUS

M/s. Ram Bahadur Thakur P. Ltd.... Respondent (s)

O R D E R

This Court, on 4th December, 1998, issued notice limited to the question of payment of Rs.91,000/- and interest thereon.

We have looked into the record. We find that Rs.91,000/- awarded by the Arbitrator is towards infructuous expenditure, which was incurred by the respondent. It was urged that this could not have been awarded. We do not find any merit in this contention. We are in agreement with the view taken by the High Court.

The appeal fails and is, accordingly, dismissed. There shall be no order as to costs.

The respondent shall return the equipment in lieu whereof the decree has been passed.

.....CJI.

.....J.
(S.H. Kapadia)

New Delhi,
March 10, 2004.