

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2413 OF 2009

Punjab State Electricity Board
and Others

Appellant(s)

Versus

M/s. Kartar Singh and Company

Respondent(s)

W I T H

CIVIL APPEAL NO.2415 OF 2009

O R D E R

CIVIL APPEAL NO.2413 OF 2009

The order challenged in this appeal is an order of appointment of Justice A.L. Bahri, a retired Judge of Punjab & Haryana High Court as the sole Arbitrator to adjudicate upon the disputes between the parties. While making the aforesaid appointment, the High Court answered the question of limitation in filing the petition under Section 11 of the Arbitration & Conciliation Act, 1996, in favour of the respondent. Aggrieved by the said order, this appeal has been filed.

A period of twelve years have elapsed in the meantime. On account of the interim order of this Court dated 1st October, 2007, the arbitration proceeding has not progressed. Having considered the matter, we are of the view

that the High Court was justified in coming to its conclusion on the plea of limitation urged before it by the present appellant and in holding that the arbitration proceeding should be allowed to continue.

We, accordingly, dismiss the appeal and direct that the arbitration proceeding should recommence from the stage where it was interdicted and we also hereby appoint Justice S.S. Saron, House No.9, Sector - 9, Chandigarh, as the sole Arbitrator, to adjudicate upon the dispute between the parties.

Civil Appeal No.2415 of 2009

The order challenged in this appeal is a consent order. The respondent has expired in January, 2018; yet no steps have been taken for substitution. The appeal is, therefore, abated. We order accordingly.

.....CJI.
[Ranjan Gogoi]

.....J.
[Sanjay Kishan Kaul]

.....J.
[K.M. Jospeh]

New Delhi
December 04, 2018.

ITEM NO.112

COURT NO.1

SECTION IV

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.2413/2009

PUNJAB STATE ELECTRICITY BOARD & ORS.

Appellant(s)

VERSUS

M/S KARTAR SINGH AND CO.

Respondent(s)

WITH C.A. No. 2415/2009 (IV)

Date : 04-12-2018 These appeals were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE K.M. JOSEPH

For Appellant(s)

Mr. Deepak Khurana, Adv.
Mr. Umesh Kumar Khaitan, AOR

Mr. A.K. Sanghi, Sr. Adv.
Mr. Shalinder Saini, Adv.
Ms. Alka Agarwal, Adv.
Mr. A.K. Sharma, Adv.
Mrs. Anil Katiyar, AOR

For Respondent(s)

Mr. Akshat Goel, Adv.
Mr. Kamal Mohan Gupta, AOR

Mr. Rahul Chitnis, Adv.
Mr. Aaditya A. Pande, Adv.
Mr. Chander Shekhar Ashri, AOR

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

C.A. No.2413 of 2009

The appeal is dismissed in terms of the signed order.

C.A. No.2415 of 2009

The order challenged in this appeal is a consent order. The respondent has expired in January, 2018; yet no steps have been taken for substitution. The appeal is, therefore, abated. We order accordingly.

(Chetan Kumar)
A.R. -cum-P.S.

(Anand Prakash)
Court Master

(Signed order is placed on the file)