

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5169 OF 2006

(@ S.L.P. (C)NO.21505 OF 2005)

M/S.GEMINI IRON & METAL CO. & ORS.

APPELLANT(S)

VERSUS

MSTC LTD.

RESPONDENT(S)

O R D E R

Heard both sides.

Leave granted.

The appellant, by way of this appeal, challenges the order passed by the Division Bench of the Calcutta High Court dated 13th July, 2005. By the impugned order, the Calcutta High Court held that the appropriate court at Delhi has got jurisdiction to enforce the arbitration award. We see no reason to interfere with the same.

By the impugned order, the appellant has been permitted to

move the Calcutta High Court within four weeks to transfer the proceedings to the Delhi Court failing which the appellant be permitted

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to refile the plaint within four weeks.

As the time permitted is over, we extend the time by further four weeks and the appellant is permitted to take appropriate steps as per the order passed in the impugned order within a period of four weeks. As the litigation has started in the year 1987 and so far it has not attained finality, we are sure that the Delhi High Court will endeavour to dispose it at an early date.

The appeal is disposed of accordingly. No costs.

.J.

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(K.G. BALAKRISHNAN)

.J.

.....

(G. P. MATHUR)

.J.

.....

(R.V. RAVEENDRAN)

NEW DELHI ;

21ST NOVEMBER, 2006

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ITEM NO.1

COURT NO.2

SECTION XVI

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(s).21505/2005

(From the judgement and order dated 13/07/2005 in FMA No. 420/2003 of The
HIGH COURT OF CALCUTTA)

M/S. GEMINI IRON & METAL CO. & ORS.

Petitioner(s)

VERSUS

MSTC LTD.

Respondent(s)

(With prayer for interim relief and office report)

Date: 21/11/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

HON'BLE MR. JUSTICE G.P. MATHUR

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

For Petitioner(s)

Mr.Ranjit Kumar, Sr.Adv.

Mr.Rajiv K.Garg, Adv.

Mr.Ashish Garg, Adv.

for Mr. Annam D.N. Rao,Adv.

For Respondent(s)

Mr.Jaideep Gupta, Sr.Adv.

Mr.Rana Mukherjee, Adv.

Mr.Siddharth Gautam, Adv.

For Mr. Goodwill Indeevar,Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard both sides.

Leave granted.

The appeal is disposed of in terms of the signed order.

(G.V.Ramana)

(Vijay Aggarwal)

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Court Master

Court Master

(Signed order is placed on the file)