

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 9389 OF 2017
(Arising out of SLP(C)No. 22586/2013)

M/S EVEREST ENTERPRISES ..APPELLANT(S)

VERSUS

AIRPORT AUTHORITY OF INDIA
AND ANR. ..RESPONDENT(S)

O R D E R

1. Leave granted.
2. This appeal is directed against the judgment and order passed by the High Court of Judicature at Bombay, Nagpur Bench at Nagpur in Miscellaneous Civil Application (Arb.) No. 943 of 2012 dated 15.02.2013.
3. Heard learned counsel for the parties.
4. We are satisfied that the learned Judge while deciding the application filed under

Section 11 of the Arbitration and Conciliation Act, 1996 has made observations about the amount said to have been paid to the applicant since that was the very claim. Moreover, it appears that the learned Single Judge also made observations about the entitlement of the applicant as per measurement for a larger amount.

5. In our opinion, this matter ought to have been left to the decision of the Arbitrator.

6. Accordingly, we set aside the impugned order and direct that the Regional Executive Director Northern/Western/ Southern/Eastern/North Eastern Region shall appoint the sole Arbitrator of the concerned region. The learned Arbitrator shall fix the fees and remuneration with consultation of the parties.

7. The appeal is disposed of accordingly.

.....J.
[S.A. BOBDE]

.....J.
[L. NAGESWARA RAO]

NEW DELHI,
JULY 21, 2017.

ITEM NO.12

COURT NO.8

SECTION IX

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

Petition for Special Leave to Appeal (C) No. 22586/2013

(Arising out of impugned final judgment and order dated 15-02-2013 in MCA (Arb.) No. 943/2012 passed by the High Court Of Bombay At Nagpur)

M/S EVEREST ENTERPRISES

Petitioner(s)

VERSUS

AIRPORT AUTHORITY OF INDIA & ANR.
(With office report)

Respondent(s)

Date : 21-07-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE
HON'BLE MR. JUSTICE L. NAGESWARA RAO

For Petitioner(s) Mr. S.K. Dhingra, AOR
 Ms. Shefali Mitra, adv.
 Mr. Anil Seth, Adv.

For Respondent(s) Ms. Rachana Joshi Issar, AOR
 Ms. Vandana Mishra, Adv.
 Mr. K. Vaijayanthi, Adv.
 Mr. Syed Asif Iqbal, Adv.

Mr. Pankaj Kr. Mishra, Adv.
Mr. A.S. Bhasme, AOR

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

Leave granted.

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

[Charanjeet Kaur]
A.R.-cum-P.S.

[Indu Kumari Pokhriyal]
Branch Officer

[Signed order is placed on the file]