

IT E M NO.4

COUR T NO.8

S E C T I O N 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

Petition(s) for Special Leave to Appeal (Civil) No(s).1 6 1 9 6 / 2 0 0 6

(From the judgement and order dated 11 / 0 5 / 2 0 0 6 in AA No. 18 9 / 2 0 0 5
of The HIGH COUR T O F D E L H I AT N. D E L H I)

NOR T H N. R L Y. ADMN., MIN.O F RAI L W A Y , N.D.

Petitioner(s)

V E R S U S

P A T E L E N G I N E E R I N G C O M P A N Y L T D.

Respondent(s)

(With prayer for interim relief) (For Final Disposal)

Date: 1 2/ 0 2 / 2 0 0 8 This Petition was called on for hearing today.

CORAM :

HON' B L E MR. JUS T I C E A.K. MATHU R
HON' B L E MR. JUS T I C E AFTA B ALAM

For Petitioner(s)

Mr. B. Dutta, ASG
Mrs. Asha G.Nair, Adv.
Mrs. Rajni Ohri Lal, Adv.
Mr. B. K. Pra s a d, Adv.
Mr. D.S. Mahra, Adv.

For Respondent(s)

Mr. Ashok H. Desai, Sr. adv.
Mr. Ashish Dholakia, Adv.
Mr. Adarsh Priyadars h ni, Adv.
Ms. Sumita Hazarika, Adv.UPON hearing counsel the Court made the following
O R D E R

Learned counsel for the respondent has invited our attention to two decisions of this Court in the case of Ace Pipeline Contracts (P) Ltd. Vs. Bha r a t Petroleum Corpn. Ltd. (20 0 7) 5 SCC, 3 0 4 and Union of India Vs. Bha r at Batterie Mfg. Co. (P) Ltd. (20 0 7) 7 SCC, 6 8 4 . Both these decisions relate to the appointment of arbitrator under Section 11(6) of the Arbitration and Conciliation Act, 19 9 6 . It appears that in the subsequent decision in the case of Bha r at Battery

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Mfg. Co. (supra) the earlier decision in the case of Ace Pipeline (supra) was not brought to the notice of the Bench, as a result of which a confusion may be created that which judgment is to be followed as both the judgments cover almost identical area of controversy. Therefore, it is in the interest of justice that this case may be referred to a larger Bench so that there may not be a confusion in

view of the two conflicting decisions of this Court.

Looking to the apparent conflict, the matter requires urgent consideration.

Let the papers be placed before the Hon'ble The Chief Justice for constitution of an appropriate Bench.

(Ajay Kr. Jain)
Court Master

(Vijay Dhawan)
Court Master