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SLP(C)No. 22516-22517 OF 1997

ITEM No.201

Court No. 3

SECTION XVI
A/N MATTER

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.22516-22517/1997

(From the judgement and order dated 19/08/1997 in APO 256/97
of The HIGH COURT OF CALCUTTA)

STATE OF W. BENGAL & ORS

Petitioner (s)

VERSUS

M/S.DEBENDRA BIJOY GHOSH & ANR

Respondent (s)

(With prayer for interim relief & O.R.)
(For Final Disposal)

Date : 08/03/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIAK
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

For Petitioner (s)

Ms. Radha Rangaswamy,Adv.
Mr. Sanjiv Sen,Adv.

For Respondent (s)

Mr.Bhaskar Pd.Gupta,Sr.Adv.
Mr. G.S. Chatterjee,Adv.
Mr. Raja Chatterjee,Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....J.
.SP2

Heard the learned counsel for the parties for 15
minutes each.
Leave granted.
The appeals are disposed of.

.SP1

(Y.P.Dhamija) (Suneet Bala Sharma)@@
AA
Court Master Court Master@@
AAAA

Signed order is placed on the file.

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.PL58

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO...../2002@@

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(arising out of SLP(C) Nos.22516-22517/1997)

State of West Bengal & Ors. ...Appellants

Vs.

M/s.Debendra Bijoy Ghosh & Anr. ...Respondents

O R D E R@@

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.SP2

Leave granted.

These appeals by the State of West Bengal are directed against an award of an Arbitrator in relation to a contract for environmental improvement of an area along Kestopur Khal. The learned Arbitrator has passed an unreasoned award. Against the said award, an application for objection to set aside was filed by the State and the claimant filed an application for making it a Rule of Court. The objection of the State having been rejected and the claimant's application having been allowed, the award has been made a Rule of Court. The matter was carried in appeal to the High Court. The High Court having dismissed the State's appeal, the present appeals by the State are before us. We have examined the impugned award of the Arbitrator as well as the objection said to have been filed by the State in assailing the validity of the award. The award being an unreasoned one, the Court's power for interference with the same is rather limited and none of the grounds urged in the objection could confer a power on the Court to interfere with the aforesaid unreasoned award. We,

- 2 -

therefore, decline at this stage to interfere with the award passed by the Arbitrator. But having regard to the circumstances of the case, we reduce the interest to 9% per annum from 16%, as already granted.

The appeals are disposed of accordingly.

.SP1
.....J.
(G.B. PATTANAIAK)

New Delhi,
March 08, 2002
.....J.
(K.G.BALAKRISHNAN)