ITEM NO.44 COURT NO.3 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).29027-29028/2009

(From the judgement and order dated 02/09/2008 in AC No. 8/2001 & APOT No. 273/2005 & APO No. 376/2005 & GA No. 1406/2005 & GA No. 4187/2008 of The HIGH COURT OF CALCUTTA)

THE SOUTH EASTERN RAILWAY & ORS. Petitioner(s)

VERSUS

PUSHKAR RAJ WASON Respondent(s)

(With prayer for interim relief and office report)

Date: 21/02/2011 These Petitions were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s) Mr. I. Venkatanarayan, Adv.
Mr. Naresh Kaushik, Adv.
Mr. Aditya Sharma, Adv.
Mr. Arvind Kumar Sharma,Adv.

For Respondent(s)
Mr. Ritesh Agrawal,Adv.

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

The learned Single Judge set aside the award of the Arbitrator and awarded Rs. 2,25,437/- (admitted by the Petitioners) to the respondent and deleted the costs awarded against the respondent. The Division Bench allowed the appeal of the respondent-Contractor and appointed a fresh arbitrator after

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observing that the liability for Rs. 6,77,288/- admitted by the Railways had been ignored by the Arbitrator. The said order is challenged by the Petitioners. The dispute therefore virtually narrows down to the difference between Rs. 2,25,437/- and Rs. 6,77,288/-, and

the interest thereon. In the circumstance, particularly in view of the cost and time involved in adjudication on the question whether the direction for fresh arbitration was justified, both sides seek time to consider without prejudice, whether a settlement could be arrived at by agreeing upon the amount.

List on 14th March, 2011.

(Deepak Mansukhani)
Court Master

(M.S. Negi)
Court Master