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ITEM NO.52

COURT NO.3

SECTION XIA

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).35595/2010

(From the judgement and order dated 23/03/2010 in WPC No.7414/2008 of The
HIGH COURT OF ORISSA AT CUTTACK)

M.D. JALGAON ZILLA MADHAVATI SAH.BK.LD. Petitioner(s)

VERSUS

M/S LAMIPATHI BALAJI SUG.& DIS.P.LD.&ORS Respondent(s)

(With office report)

WITH

SLP(C) NO. 5921 of 2012
(With prayer for interim relief and office report)

Date: 19/08/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE MADAN B. LOKUR

For Petitioner(s)

SLP 35595/2010 Mr. A.V. Savant, Sr. Adv.
Mr. M.Y. Deshmukh, Adv.
Mr. Rameshwar Prasad Goyal, Adv.

SLP 5921/2012 Mr. Mukul Rohatgi, Sr. Adv.
Mr. Vikas Mehta, Adv.
Mr. Subhash Jadhav, Adv.
Mr. Rajat Sehgal, Adv.

For Respondent(s)

Mr. Mukul Rohatgi, Sr. Adv.
Mr. G. Umapathy, Adv.
Mr. Rakesh K. Sharma, Adv.

Mr. Shankar Chillarge, Adv. for
Ms. Asha Gopalan Nair ,Adv

Mr. A.V. Savant, Sr. Adv.
Mr. M.Y. Deshmukh, Adv.

Mr. M.Y. Deshmukh, Adv.
Mr. Rameshwar Prasad Goyal, Adv.

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

S.L.P. (Civil) No. 35595 of 2010

On hearing Mr. A.V. Savant, learned senior counsel for the petitioner and Mr. Mukul Rohtagi, learned senior counsel, assisted by Mr. G. Umapathy, learned counsel for the respondent No. 1, we are satisfied that disputes between the parties can be adjudicated by way of appointment of an arbitrator. This is what has been observed in the impugned order as well.

Having regard to the submissions made before us and the broad agreement between the parties that the arbitration proceedings may take place in Mumbai, we are satisfied that Mr. Justice S.N. Variava (former Judge of this Court) may be appointed as sole arbitrator for adjudication of the disputes between the parties. We, accordingly, appoint Mr. Justice S.N. Variava (former Judge of this Court) as sole arbitrator in the matter in place of Mr. Justice Ch. P.K. Mishra (former Judge of the Orissa High Court).

The learned arbitrator shall settle the terms of arbitration and his remuneration in consultation with the parties. The arbitration proceedings shall be held in Mumbai.

We request the learned arbitrator to complete the arbitration proceedings expeditiously and preferably by 30th April, 2014.

The parties shall appear before the learned arbitrator on September 2, 2013.

Special leave petition is disposed of as above.

S.L.P. (Civil) No. 5921 of 2012

Mr. Mukul Rohtagi, learned senior counsel for the petitioner and Mr. A.V. Savant, learned senior counsel for the respondent No. 3 - Jalgoan District Central Co-operative Bank Ltd., submit that principally the parties have agreed for some solution with regard to the controversy raised in the special leave petition and the terms thereof shall be reduced in writing.

Respondent No. 4 - the debtor, however, has reservation to the agreement between the petitioner and respondent No. 3.

We shall consider objections of the debtor as and when terms of agreement between the petitioner and respondent No. 3 are placed before the Court.

List the matter on September 2, 2013.

|(Rajesh Dham)
|Court Master

|(Renu Diwan)
|Court Master

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