

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

REVIEW PETITION(C) NO.1456 OF 2010
IN
S.L.P.(CIVIL) NO. 10353 OF 2007

CHIEF ENG. B.P.D.P./R.E.O PETITIONER(S)

VERSUS

M/S SCOOT WILSON (I) P. LTD. RESPONDENT(S)

(with appln(s) for c/delay in filing review petition, stay and office report)

Date: 14/09/2010 This Petition was circulated today.

CORAM:

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

BY CIRCULATION

UPON perusing papers the Court made the following
O R D E R

The Review Petition is dismissed both on the ground of delay as also on merits.

(Parveen Kr. Chawla) (Indu Satija)
Court Master Court Master

[signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

REVIEW PETITION(C) NO(s). 1456/2010
IN
S.L.P.(CIVIL) NO. 10353 of 2007

Chief Engineer, B.P.D.P./R.E.O. ..Petitioner(s)

versus

Scoot Wilson (I) Pvt. Ltd. ..Respondent(s)

O R D E R

This Review Petition has been filed seeking review of this Court's order dated 31st August, 2009 dismissing the

special leave petition.

Although, there is an inordinate delay of 280 days in filing the review petition and this ground itself is sufficient for dismissing the review petition, yet we have gone through the review petition and connected papers.

The main ground taken in the review petition is on the basis of a decision of this Court in the case of Union of India vs. Tecco Trichy Engineers & Construction reported in (2005) 4 SCC 239 rendered by a three Judge Bench. We have gone through the said decision and we are of the opinion that the facts of that case are different from the facts of the present case. In that case, arbitral award was served upon the General Manager(Railways) instead of Chief Engineer dealing with the case and hence there was a delay, whereas in the present case, copy of the arbitral award was delivered in the office of the concerned Chief Engineer on 4.7.2003 and admittedly the application for setting aside

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the arbitral award as well as the application for condonation of delay have been filed on 25th November, 2003. Hence, the decision rendered by a three Judge Bench of this Court in the case of Tecco Trichy Engineers & Construction (supra) will not apply to the present case.

The Review Petition is dismissed both on the ground of delay as also on merits.

.....J.
[MARKANDEY KATJU]

NEW DELHI;
SEPTEMBER 14, 2010.

.....J.
[ASOK KUMAR GANGULY]