

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL No.7907 OF 2010

CHINNA NACHIMUTHU CONSTRN.ENG.

... APPELLANT

Versus

STATE OF GOA

... RESPONDENT

O R D E R

The instant appeal, by way of special leave, is directed against order dated 03.07.2008 passed by the High Court of Bombay at Goa in Appeal Under Arbitration Act No.1 of 2000 whereby the High Court allowed the appeal filed by the respondent under Section 37 of the Arbitration and Conciliation Act, 1996 and set aside the *ex-parte* Arbitral Award dated 29.06.1998 of Rs.60,03,866/-.

Heard Ms.Triveni Poteker, learned counsel appearing on behalf of the appellant and Ms.Ruchira Gupta, learned counsel appearing on behalf of the respondent, at length.

The High Court, in consonance with the law laid down by this Court in Milkfood Ltd. vs. GMC Ice Cream(P) Ltd., (2004) 7 SCC 288, has held that there was nothing on record to show that the parties had agreed before the arbitrator for application of the procedure under the

new Act and an agreement to the contrary could not be said to have operated on its own without both the parties exercising their option to be governed by the procedure under the new Act.

We see no reason to interfere with the impugned order passed by the High Court in exercise of our jurisdiction under Article 136 of the Constitution.

The appeal is accordingly dismissed.

.....**J.**
(N.V. RAMANA)

.....**J.**
(MOHAN M. SHANTANAGOUDAR)

.....**J.**
(AJAY RASTOGI)

NEW DELHI;
AUGUST 21, 2019.

ITEM NO.108

COURT NO.3

SECTION IX

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 SCivil Appeal No(s).7907/2010

CHINNA NACHIMUTHU CONSTRN.ENG.

Appellant(s)

VERSUS

STATE OF GOA

Respondent(s)

Date : 21-08-2019 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR
HON'BLE MR. JUSTICE AJAY RASTOGIFor Appellant(s) Ms.Triveni Poteker, Adv.
Mr.Chander Shekhar Ashri, AORFor Respondent(s) Ms.Ruchira Gupta, Adv.
Ms.Mona Sinha, Adv.
Mr.Anurag Sharma, Adv.
Ms. A. Subhashini, AORUPON hearing the counsel the Court made the following
O R D E R

The appeal is dismissed in terms of the signed order.

(SATISH KUMAR YADAV)
AR-CUM-PS(RAJ RANI NEGI)
ASSISTANT REGISTRAR

(Signed order is placed on the file)