

IT E M NO.5 8

COURT NO.1 0

S E C T I O N IV B

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

Petition(s) for Special Leave to Appeal (Civil) No(s).1 9 9 9 8 - 1 9 9 9 9 / 2 0 0 8

(From the judgement and order dated 1 9 / 0 5 / 2 0 0 8 in CM No. 1 8 1- 1 8 2- C-II/ 2 0 0 8 in AC 2 6 / 2 0 0 7 of The HIGH COUR T OF PUN J A B & HAR Y A N A AT CHAND I G A R H )

PUN J A B SMA L L INDUS T R I E S & EX P O R T COR P . Petitioner(s)

VER SUS

M/S OP B K CONS T R N . P V T . L T D . & AN R. Respondent(s)

(With prayer for interim relief )

Date: 2 2 / 0 9 / 2 0 0 8 These Petitions were called on for hearing today.

CORA M :

HON' B L E MR. JUS T I C E R.V. RAV E E N D R A N  
HON' B L E MR. JUS T I C E LO K E S H W A R SING H P A N T A

For Petitioner(s) Mr. Govind Goel, Adv.  
Dr. Kaila s h Chand, Adv.  
Mr. Sukesh Ghosh, Adv.

For Respondent(s) Mr. Arun Jaitley, Sr. Adv.  
Mr. Sandeep Shar m a , Adv.  
Mr. P a n k a j Bhagat, Adv.  
Mr. Navdeep Vora, Adv.

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

When the first respondent approached the Arbitrator seeking withdrawal on the ground that he had expressed certain opinions in correspondence which gave rise to a doubt about his impartiality, the Arbitrator refused to withdraw. Thereafter, the first respondent approached the High Court and the High Court termin ated the mandate of the Arbitrator and appointed a retired Judge of the High Court as

Arbitrator. We find no error in the reasoning of the learned Chief Justice.

However when the matter came up today, the learned counsel for the petitioner- Corporation submitted and prayed that any other retired Judge may be appointed. Shri Arun J aitley, learned senior counsel appearing for the respondents also submitted that the respondent would have no objection for appointment of any other retired Judge as

Arbitrator.

In view of the said submission, we dispose of the matter by appointing Shri S.S. Kang (Retired Chief Justice of J & K), Chandigarh as sole Arbitrator in place of the Arbitrator appointed under the impugned order.

The special leave petitions are disposed of accordingly.

(PAWAN KUMAR)  
COURT MASTER

(ANAND SINGH)  
COURT MASTER