

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

IA Nos. 2 in CIVIL APPEAL NO(s). 10305 OF 2013

HMT WATCHES LTD.

Appellant (s)

VERSUS

M/S RAMESH KUMAR & CO.

Respondent(s)

(For clarification and office report)

Date: 17/04/2014 This Application was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. PATNAIK  
HON'BLE MR. JUSTICE V. GOPALA GOWDA

For Appellant(s)

Mr. P.N. Puri, Adv.

For Respondent(s)

Mr. R.K. Kapoor, Adv.  
Ms. Shivani Mahipal, Adv.  
Ms. Shweta Kapoor, Adv.  
Mr. Ranvijay, Adv.  
Mr. Anis Ahmed Khan, Adv.

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

Application stands disposed of in the above terms.

[KALYANI GUPTA]  
COURT MASTER

[SHARDA KAPOOR]  
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE.]

IA NO. 2 in CA NO. 10305 of 2013

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

IA NO. 2 in CIVIL APPEAL NO. 10305 OF 2013

HMT WATCHES LIMITED

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APPELLANT

VERSUS

M/S. RAMESH KUMAR & CO.

.....

RESPONDENT

O R D E R

By our order dated 12th November, 2013 passed in the aforesaid Civil Appeal, this Court we had set aside the order of the designated Judge of the High Court appointing an Arbitrator to resolve the dispute between the parties saying that there was no arbitration agreement between the parties.

2. In para 10 of the said order, however, this Court had observed that the respondent may pursue any other remedy open to it against the appellant. We are told that the respondent has already filed a suit against the appellant. The respondent, however, is apprehensive that the observations in the order dated 12th November, 2013 in the Civil Appeal may influence the trial court in deciding the suit.

3. We make it clear that the observations, if any, in the order dated 12th November, 2013 in the aforesaid appeal were made only for deciding

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whether there was an arbitration agreement between the parties and whether the designated Judge of the High Court was right in appointing the Arbitrator and were not made in the merits of the claim of the respondent now made in the suit.

4. We, therefore, clarify that the observations in the order dated 12th November, 2013 of this Court in the Civil Appeal will not influence the trial court in deciding the suit between the parties.

5. Application stands disposed of in the above terms.

[A.K. PATNAIK]

.....J  
[V. GOPALA GOWDA]

NEW DELHI  
APRIL 17, 2014.