

ITEM NO.101(PH)

COURT NO.8

SECTION XI

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

RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 6985 OF 2005

D.S. MATHUR & ANR.

Appellant (s)

VERSUS

U.P.STATE INDUSTRIAL DEV.CORPN.LTD.&ORS.

Respondent(s)

(With office report)

Date: 03/05/2006 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.K. SEMA

HON'BLE MR. JUSTICE A.K. MATHUR

For Appellant(s)

Ms. Manjeet Chawla, Adv.

For Respondent(s)

Mr. P.N. Gupta, Adv.

Mr. S.P. Sharma, Adv.

Mr. Ashwani Bhardwaj ,Adv

Mr. Shishir Singh, Adv.

Mr. Abhishek, Adv.

Ms. Shalini Daftuar, Adv.

UPON hearing counsel the Court made the following

O R D E R

The appeal is disposed of in terms of the signed order.

(RAVI P. VERMA)

(ANAND SINGH

Court Master

Court Ma

ster

[Signed order is placed on the file]

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6985 OF 2005

D.S. MATHUR & ANR.

APPELLANT

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Versus

U.P. STATE INDUSTRIAL DEV. CORPN.

RESPONDENT

S

LTD. & ORS.

O R D E R

Heard the parties.

In this case, notice confined to the question as to why the order dated 31.12.1999 passed by the District Magistrate, Ghaziabad/Arbitrator be not treated as an Award and the application under Section 34 of the Arbitration and Conciliation Act, 1996 preferred before the District Judge should have been decided on merits and should not have been dismissed as simply not maintainable.

The learned District Judge has dismissed the application merely on the ground that it is not maintainable. The High Court was of the view that the order impugned is appealable under Section 37 of the Arbitration and Conciliation Act, 1996 and, therefore, the remedy to the petitioner is to move an application under Section 34 of the Act.

This being the position, we now dispose of this petition with a direction to

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the District Judge, Ghaziabad to treat the order dated 31.12.1999 as an Award and an application filed under Section 34 of the Arbitration and Conciliation Act, 1996 before it should be treated as objections to the Award and the same shall be decided on merit.

For the convenience of the parties, we fix 4th July, 2006 for the appearance of the parties. We make it clear that the parties shall be at liberty to

agitate any point of law before the District Judge, Ghaziabad. The orders passed by
the High Court and by the District Judge are, accordingly, set aside.
Since the

matter is pending for quite some time the District Judge, Ghaziabad shall dispose of
the petition expeditiously.

.....J.
(H.K. SEMA)

New Delhi;
May 03, 2006.

.....J.
(A.K. MATHUR)