

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).22682/2008

(From the judgement and order dated 16/06/2008 in AA No. 6/2008
of the HIGH COURT OF GUWAHATI ,ASSAM)

M/S SUBHASH PROJECTS & MARKETING LTD.

Petitioner(s)

VERSUS

STATE OF ARUNACHAL PRADESH

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned Judgment and prayer
for interim relief)

Date: 22/09/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

For Petitioner(s) Mr. Soli J. Sorabjee, Sr. Adv.
Mr. L.Nageshwar Rao, Sr. Adv.
Mr. Ankur Chawla, Adv.
Mr. Abhishek Singh, Adv.
Mr. Rahul Pratap, Adv.
for M/s. "Coac", Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
ORDER

The trial Court rejected the petition under Section 34 of the
Arbitration and Conciliation Act 1996 filed against the award dated
28.5.2004 of the Arbitrator. The State filed an appeal before the High
Court. The High Court on 16.6.2008 admitted the appeal and heard
both the counsel. As both counsel agreed that nature of the dispute
requiried disposal at an early date, the High Court directed the matter
to be listed on 15.7.2008 for final hearing and pending such final
hearing stayed the execution of the decree.

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-2-

ITEM NO.28 COURT NO.10 DATED 22.9.2008

.....contd.

Learned counsel for the petitioner submitted that normally in
the case of money decrees, unconditional stay should not be granted.

We find that the absolute stay has been granted in view of the

peculiar circumstances and as the High Court found that the matter itself should be heard and disposed of immediately, it therefore posted the case to 15.7.2008 for hearing. We are told that the appeal was not heard on 15.7.2008 and the matter is now listed for final hearing in November 2008. We are sure that the High Court will dispose of the matter when it comes up for final hearing in view of its order dated 16.6.2008. If it is not able to take up the matter for final hearing and is adjourned, the petitioner can request the High Court to modify the order of stay, as the same was linked to final hearing being expedited.

The special leave petition is, therefore, dismissed.

(Ravi P. Verma)
Court Master

(Anand Singh)
Court Master