

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

Petition(s) for Special Leave to Appeal (Civil) No(s).28535/2008

(From the judgement and order dated 31/01/2008 in MCC No.
2663/2005 of The HIGH COURT OF M.P AT JABALPUR)

M.D.,BENGAL CHEMICALS & PHARM.LTD. Petitioner(s)

VERSUS

DEEPAK BALANI Respondent(s)

(With appln(s) for vacating stay and prayer for interim relief)

Date: 16/08/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s) Mr. Gopal Subramaniam, Solicitor General
Mr. Praveen,Adv.
Mr. Janordem,Adv.
Mr. T.S. Sidhu,Adv.
Mr. Mukesh Kumar,Adv.
For M/S. M.V. Kini & Associates,Adv.

For Respondent(s) Mr. Rohit Arya,Sr.Adv.
Mr. Nitin Gaur,Adv.
Mr. S.K. Sabharwal,Adv.

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

Leave granted. Heard.

The appeal is allowed in part in terms of the signed order setting aside the appointment made by the Designate and appoint Shri K. Ramamoorthy, a Retired Judge of Delhi High Court as the sole Arbitrator. The venue of arbitration will be Delhi. The sole Arbitrator shall endeavour to complete the entire arbitration within six months from today. The Registry to notify the Arbitrator and the parties to appear without further notice before the Arbitrator on 4/9/2010 at 11.00 A.M.

1

(O.P. Sharma) (M.S. Negi)
Court Master Court Master
(Signed order is placed on the file)

2

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6736 OF 2010
(Arising out of SLP (C) NO.28535 OF 2008)

Managing Director, Bengal Chemicals &
Pharmaceuticals Limited

.... Appellant

Vs.

Deepak Balani

... Respondent

O R D E R

Leave granted. Heard.

2. The respondent filed an application under section 11 of the Arbitration & Conciliation Act, 1996 for appointment of an Arbitrator. A Designate of the Chief Justice of Madhya Pradesh by order dated 31.1.2008 appointed a retired Judge of the Madhya Pradesh High Court as the sole Arbitrator. The said order is challenged in this appeal by special leave.

3. The appellant contended that the said appointment was contrary to the special procedure mentioned in the Arbitration agreement which requires the arbitration should be by an arbitral tribunal consisting of three Arbitrators, that is one to be appointed by each party and the third to be appointed by the two Arbitrators.

4. When the matter came up for hearing today, both parties agreed that the reference to arbitration can be to a sole arbitrator to be appointed by this Court, in place of the arbitrator appointed by the High Court and that the venue of the Arbitration should be Delhi.

5. In view of the above, we allow this appeal in part, set aside the appointment made by the Designate and appoint Shri K. Ramamoorthy, a Retired Judge of Delhi High Court as the sole Arbitrator. The venue of arbitration will be Delhi. The sole Arbitrator shall endeavour to complete the entire arbitration within six months from

today. The Registry to notify the Arbitrator and the parties to appear without further notice before the Arbitrator on 4/9/2010 at 11.00 A.M.

.....J.
(R.V. RAVEENDRAN)

.....J.
(H. L. GOKHALE)

New Delhi;
August 16, 2010.