

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 8 0 9 / 2 0 0 6

(From the judgement and order dated 0 3 / 1 1 / 2 0 0 6 in CMAA No. 6 6 / 2 0 0 5
&
CMRA No. 1 6 3 7 7 8 / 2 0 0 6 of The HIGH COUR T OF JUDIC A T U R E AT
AL LA H A B A D)

P R A D E E P B A N S A L & ANR. Petitioner(s)

V E R S U S

SUR E N D R A K U M A R B A N S A L & ANR. Respondent(s)

(With appln(s) for exemption from filing O.T. and prayer for interim relief and office report) (FOR FI N A L DIS P O S A L)

WI T H SL P (C) NO. 2 1 8 7 4 of 2 0 0 6
(With prayer for interim relief and office report) (FOR FI N A L DIS P O S A L)

Date: 1 7 / 0 8 / 2 0 0 7 This Petition was called on for hearing today.

CORA M :

HON' B L E MR. JUS T I C E H.K. S E M A
HON' B L E MR. JUS T I C E L O K E S H W A R S I N G H P A N T A

For Petitioner(s) Mr. Jitendr a Mohan Shar m a ,Adv.

For Respondent(s) Mr. R. P . Bhat, Sr. Adv.
Ms. Anita P a ndey, Adv.
Mr. Dinesh Kr. Tiwary, Adv.
Mr. Rakesh K. Shar m a ,Adv.

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

Leave granted.

The impugned order is set aside. The matter is remitted to learned Chief Justice of the Allahabad High Court to dispose of the application on merit in accordance with law.

Appeals are allowed in terms of the signed order. No costs.

(Ravi P. Verm a) (Anand Singh)
Court Master Court Master

[Signed order is placed on the file]

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

C I V I L A P P E L L A T E J U R I S D I C T I O N

C I V I L A P P E A L N O . 3 8 1 1 O F 2 0 0 7
[Arising out of SL P (C) No.1 9 8 0 9 / 2 0 0 6]

P R A D E E P B A N S A L & AN R. A P P E L L A
N T (S)

Versus

SUR E N D R A K U M A R B A N S A L & AN R. R E S P O N D E
N T (S)

WI T H
C I V I L A P P E A L N O . 3 8 1 2 O F 2 0 0 7
[Arising out of SL P (C) No.2 1 8 7 4 / 2 0 0 6]

OR D E R

Leave granted.

By an order dated 28 / 07 / 2006 , Chief Justice of the High Court of Allahabad appointed an arbitrator by a cryptic order without application of mind in an application filed under Section 11 of the Arbitration and Conciliation Act 1996 . An application for recall of the said order was also dismissed on 03 / 11 / 2006 . Ba re perusal of both the orders show that the same have not been passed consistent with the decision of the Constitution Bench of this Court in M/s. S.B. P atil & Co. Vs. M/s. P atel Engineering Ltd. & Anr. , (2005) 8 SCC 618 . Accordingly, the impugned order is set aside. The matter is remitted to learned Chief Justice of the Allahabad High Court to dispose of the application on merit in accordance with law.

Appeals are allowed. No costs.

.....J .
(H.K. S E M A)

New Delhi;
August 17, 2007 .

.....J .
(LO K E S H W A R S I N G H P A N T A)