

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2221 OF 2012

M/S BHARAT BATTERY MANUFACTURING COMPANY
PRIVATE LIMITED

Appellant (

s)

Versus

UNION OF INDIA

Respondent

(s)

W I T H

CIVIL APPEAL NO. 2196 OF 2013

M/S. J.K. CEMENT WORKS

Appellant (

s)

Versus

DELHI JAL BOARD

Respondent

(s)

O R D E R

CIVIL APPEAL NO. 2221 OF 2012

We have heard learned counsel for the
appellant and perused the order passed by the High
Court.

In our view, the High Court rightly remitted
the matter back to the learned Arbitrator to decide
the issue with regard to claim of the liquidated
damages.

Considering the ratio decided in Fateh Chand
versus Balkrishan Dass reported in AIR 1963 SC 1405;

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Sukhbir Paul Kaur
Date: 2014.09.11
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Reason:

Oil and Natural Gas Corporation Limited versus Saw
Pipes Limited reported in AIR 2003 SC 2629 and Marla
Bux versus Union of India reported in AIR 1970 SC
1955, we do not find any reason to interfere with

the impugned order.

This appeal is, accordingly, dismissed.

We have heard learned counsel for the parties.

In the instant case the Award given by the Arbitrator was challenged by filing objections under Sections 30 and 33 of the Arbitration Act, 1940. The objections were considered and rejected and the Award was made Rule of the Court.

In view of the aforesaid order making the Award Rule of the Court, the appellant moved the Delhi High Court. The High Court, after appreciation of relevant clause of the agreement as also the Award, came to the conclusion that the Arbitrator was fully justified in passing the Award. Therefore, there is no reason to interfere with the Award passed by the Arbitrator and the impugned order affirming the Award.

The appeal is, accordingly, dismissed.

.....J.
(M.Y. EQBAL)

.....J.
(PINAKI CHANDRA GHOSE)

New Delhi,
August 13, 2014.

ITEM NO.113 COURT NO.13 SECTION XIV

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). 2221/2012

M/S BHARAT BATTERY MANUF.CO.P.LTD. Appellant(s)

VERSUS

UNION OF INDIA Respondent(s)

WITH

C.A. No. 2196/2013
(With appln.(s) for Interim Relief and Office Report)

Date : 13/08/2014 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.Y. EQBAL
HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE

For Appellant(s)

Mr. Rajesh Banati, Adv.
Mr. Shailendra Bhardwaj, Adv.
Mrs. Aroma S. Bhardwaj, Adv.

For Respondent(s)

Mr. Suresh Chandra Tripathy, Adv.

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

The appeals are dismissed in terms of the signed
order.

(Sukhbir Paul Kaur)
Court Master

(Suman Jain)
Court Master

(Signed order is placed on the file)