

ITEM NO.30

COURT NO.7

SECTION XVI

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 (C) No(s).8404/2016

(Arising out of impugned final judgment and order dated 07/03/2016 in AST No. 86/2016 passed by the High Court of Calcutta)

M/S E.C. BOSE AND COMPANY PRIVATE LTD.

Petitioner(s)

VERSUS

THE BOARD OF TRUSTEES FOR THE PORT OF
CALCUTTA AND ORS.

Respondent(s)

(with appln. (s) for exemption from filing c/c of the impugned judgment and permission to file additional documents and interim relief and office report)

WITH

S.L.P.(C)...CC No. 5928-5929/2016

(With appln.(s) for permission to file SLP without c/copy as well as plain copy of impugned order and appln.(s) for exemption from filing c/copy as well as plain copy of the impugned order and Interim Relief and Office Report)

Date : 11/04/2016 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR

HON'BLE MR. JUSTICE N.V. RAMANA

For Petitioner(s) Mr. M.C. Dhingra, Adv.
Mrs. Priya Puri, AOR
Mr. Saikesh Gupta, Adv.
Ms. Churchi Mandakini, Adv.
Mr. Ranjay Kr. Dubey, Adv.

S.L.P.(C)...CC No. 5928-5929/2016

Mr. Mukul Rohatgi, AG
Mr. Parag P. Tripathi, Sr. Adv.
Mr. A. V. Rangam, AOR
Mr. Buddy A. Ranganadhan, Adv.
Mr. D.V. Raghu Vamsy, Adv.
Ms. Anasuya Choudhury, Adv.

For Respondent(s) Mr. Mukul Rohatgi, AG
Mr. Parag P. Tripathi, Sr. Adv.
Mr. A. V. Rangam, AOR
Mr. Buddy A. Ranganadhan, Adv.
Mr. D.V. Raghu Vamsy, Adv.

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Mr. Ranjay Kr. Dubey, Adv.

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

SLP(C) No.8404/2016

The special leave petition is dismissed.

S.L.P.(C)...CC No. 5928-5929/2016

We have heard learned counsel for the parties.

In respect of the impugned order dated 7th March, 2016 passed by the High Court of Calcutta, in our opinion, the High Court having held that it has no jurisdiction to entertain the matter and the dispute should be referred to arbitration, it was not appropriate for the High Court to issue directions in regard to bank guarantee and the letter of intent. The directions are vacated.

We also make it clear that the Authority before whom M/s. E.C. Bose & Company Private Ltd. may choose to proceed will not be influenced by the order passed by the High Court.

With the above observations, the special leave petitions are disposed of.

Pending applications are disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(JASWINDER KAUR)
COURT MASTER