

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).....CC No(s).1695/2015

(Arising out of impugned final judgment and order dated 22/09/2014 in MFA No. 6724/2013 passed by the High Court of Karnataka at Bangalore)

ARUN KUMAR B. AND ANR

Petitioner(s)

VERSUS

M/S.CLEAR CHANNEL COMMUNICATIONS AND ANR

Respondent(s)

(with appln. (s) for permission to file SLP and office report)

Date : 09/02/2015 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s) Mr. Jayant Bhushan, Sr. Adv.
Mr. Bharadwaj S. Iyengar, Adv.
Mr. Vikas Upadhyay, Adv.

For Respondent(s) Mr. s.K. Dubey, Sr. Adv.
Mr. Anand Sanjay M. Nali, Adv.
Mr. Jai Patil, Adv.
Ms. Dharitry Phookan, Adv.

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

Permission to file special leave petition is granted.

Mr. Jayant Bhushan, learned senior counsel appearing for the petitioners, submitted that the High Court has erroneously recorded certain facts in paragraph 5.

Signature Not Verified

The said para reads as

follows :

Digitally signed by
Gulshan Kumar Arora
Date: 2015.02.11
16:59:35 IST
Reason:

"However, in the light of joint memo that came to be filed matter was referred to Arbitration Centre. Now, said order having been recalled by this court the only issue that arises in this

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appeal would be as to whether the order passed by trial court dismissing application filed under Section 9 of the Arbitration Act filed by appellant is to be affirmed or set aside."

It is submitted by Mr. Bhushan that the order referring the matter to arbitration centre has been recalled is not correct. Elaborating further, it is put forth by him that the arbitrator who was appointed by the Court on consent by both the parties has declined to act as a result of which the parties would be at

liberty to seek appointment of another arbitrator, but the observations made in paragraph 5 have the potentiality to deny the said benefit to the petitioner.

Mr. S.K. Dubey, learned senior counsel, who has entered caveat on behalf of the respondent, very fairly stated that as the arbitrator had declined to proceed, the petitioner, if so advised, can move for appointment of arbitrator in accordance with law.

Accordingly, we clarify that the petitioners would be at liberty to take steps for appointment of arbitrator as advised in law.

With the aforesaid clarification in the order of the High Court, the special leave petition stands disposed of. There shall be no order as to costs.

(Gulshan Kumar Arora)
Court Master

(H.S. Parasher)
Court Master