

ITEM NO.23

COURT NO.14

SECTION XII

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 SPetition(s) for Special Leave to Appeal (C).....CC No(s).
15605-15610/2015(Arising out of impugned final judgment and order dated 06/03/2015
in OP Nos. 733-738/2012 passed by the High Court Of Madras)

M/S. SRI BALA TRIPURA SUNDARI WAREHOUSING Petitioner(s)

VERSUS

GENERAL MANAGER (T.N) FOOD CORPORATION OF INDIA Respondent(s)

(With appln. (s) for c/delay in filing SLP)

Date : 31/08/2015 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ROHINTON FALI NARIMANFor Petitioner(s) Mr. V.V.S.Rao, Sr. Adv.
Ms. Vijayshree, Adv.
Ms. T. Anamika, Adv.

For Respondent(s)

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

Mr. V.V.S.Rao, learned senior counsel, argues that even when the notice was given to the respondent for appointment of an Arbitrator, no action was taken thereupon by the Executive Director of the respondent within 30 days and till the date of the filing of the application under Section 11 before the High Court for appointment of an independent Arbitrator. It is argued that in such circumstances the respondent had lost its right to nominate the Arbitrator and, therefore, the High Court should not have

entertained the application on merits and appointed the Arbitrator.

The reading of the impugned order gives an impression that the order passed by the learned Chief Justice is the agreed order. Mr. Rao submits that there was no such consent given by the petitioner. In that view of the matter, we direct the petitioner to move an application before the High Court seeking clarification on the aforesaid aspect. In the meantime, we adjourn the matter by four weeks.

List the matter after four weeks.

(Ashwani Thakur)
COURT MASTER

(Renu Diwan)
COURT MASTER