

PETITIONER:
VALVUE ARMATUREN V.U. BERATUNG GMBH&CO KG

Vs.

RESPONDENT:
NATIONAL FERTILIZER LTD. & ORS.

DATE OF JUDGMENT: 27/07/1998

BENCH:
A.S. ANAND, D.P. WADHWA

ACT:

HEADNOTE:

JUDGMENT:
(with Appln (s). for exemption from filing c/c of the
impugned Judgment)
Date: 27/07/98 This Petition was called on for hearing
today.

SORAM:

Hon'ble Dr. Justice A.S. Anand
Hon'ble Mr. Justice D.P. Wadhwa

For Petitioner (s)

Mr. Arun Jaitley, Sr. adv.,
Mr. Gpal Jain Adv.,
Mr.R.N. Karanjawala, adv.,
Ms. Nandini Gre, Ms. Seema Sapra,
Mrs. Manik Karanjawala, adv.,

For Respondent (s)

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

Mr. Arun Jaitley, learned senior counsel appearing for
the petitioner has drawn our attention to a judgement of
this court in Dresser Rand, S.A. Vs. K.G. Khosla Compressors
Ltd. & Ors (1995 Supp. (3) SCC 181) and in particular, to
paragraph 2, which reads thus:

"2. In a matter of this nature
where question of amenability of a
dispute to international arbitration
arise it is not proper to let loose
and keep at large orders of
injuction of this kind for unduly
long periods. It is inconsistent
with the principles governing
international arbitration. It is of
utmost importance for the domestic
courts to be circumspect in
granting such interlocutory
interdictions. At any rate, the
court must ensure that the a
matters are dealt with and disposed
of with utmost despatch. "

After hearing Mr. Jaitley and perusing the record, we
are of the opinion that the issue relating to the vacation
or continuance of the stay order, which had been obtained by

the respondent in Suit N. 3737/91, as early as in 29.11.1991 and is still in peratin requires to be settled expeditiously. The issue has not been disposed of although almost seven years have elapsed. In the nature of the dispute pending before the Court, issue relating to interlocutory interdictions need to be disposed of with utmost despatch.

While not being inclined to interfere with an order adjourning the decisin of issue in excersie of our jurisdiction under Article 136 of the Constitution of India, we, however, consider it appropriate to request the High Court to dispose of the issue concering the vacation or otherwise of the injunction expeditiously and as far as possible before 31.12.1998.

With these observatins, the special leave petition is disposed of.