

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2008
[Arising out of SLP(C) No.8032/2007]

M/s.National Projects Construction Corpn.Ltd. ... Appellant

Versus

M/s.Sadhu Singh & Company ... Respondent

ORDER

1. Heard learned counsel for the parties.
2. Leave granted.
3. After some arguments both Mr. A. Sharan, Additional Solicitor General representing the appellant and Mr. Ashok Grover, Senior Counsel appearing for the respondent, on instructions received from their respective clients, agreed that the appeal may be disposed of in the following terms expressly consented to by both sides :

- (i) The order dated 19 April, 2007 passed by a Division Bench of the Delhi High Court in FAO (OS) No.67/2007 and the order

dated 18 December, 2006 passed by a learned Single Judge of the Court in I.A.No.2654/1997 and C.S.(OS) No.27-A/1997 are set aside and it is directed that the proceedings in connection with the award dated 30 October, 1996 made by Mr. K. B. Thite, retired Chief Engineer, Central Water Commission shall stand abated as not maintainable before the Delhi High Court.

- (ii) The Registry of the Delhi High Court shall return the award dated 30 October, 1996 made by Mr. K.B.Thite, retired Chief Engineer, Central Water Commission and submitted by the Arbitrator before the court, to the respondent within a fortnight from the receipt of a copy of this order.
- (iii) It will be open to the respondent to file the award for making it a rule of the court in the Himachal Pradesh High Court where it had earlier filed as C.S.No.45/1989 under Sections 8 and 20 of the Indian Arbitration Act, 1940 within four weeks from the date it receives it from the Registry of the Delhi High Court. The Respondent shall intimate the date of filing of the award in the Himachal Pradesh High Court to the appellant within one week of the filing of the award.

4. The parties may file before the Himachal Pradesh High Court copies of their respective pleadings already filed before the Delhi High Court as also any additional pleadings within six weeks from the date of the filing of the award in that Court.

5. Mr. Sharan undertakes that the appellant shall not raise any objection before the Himachal Pradesh High Court on grounds of limitation. Having regard to the facts and circumstances of the case the delay in filing the award before the Himachal Pradesh High Court is condoned; the High Court shall consider the case of the parties on merits and pass final orders accordingly.

6. The Himachal Pradesh High Court is requested to dispose of the matter as early as possible and preferably not later than nine months from the date of the filing of the award before it.

7. The appeal stands disposed of in the above terms.

.....J.

[Tarun Chatterjee]

.....J.

[Aftab Alam]

New Delhi,

July 24, 2008.