

CASE NO.:
Appeal (civil) 412 of 2008

PETITIONER:
M/S. JAGDISH ENTERPRISES ENGINEERS & CONTRACTORS

RESPONDENT:
DIRECTOR GENERAL, DEPARTMENT OF TELECOMMUNICATION & ORS

DATE OF JUDGMENT: 15/01/2008

BENCH:
H.K. SEMA & MARKANDEY KATJU

JUDGMENT:
JUDGMENT

O R D E R

CIVIL APPEAL NO.412 OF 2008
(SPECIAL LEAVE PETITION (C) NO.1284 OF 2007)

Leave granted.

Heard the parties.

By the order impugned the High Court dismissed the Arbitration Application invoking the arbitration clause as barred by limitation. We have been taken through the High Court order. The undisputed fact is that although the work stood completed sometime in 1999-2000 the correspondences were made between the parties with regard to the settlement of bills. The correspondences made between the parties are letters dated 21.01.2003, 11.04.2003 and 24.04.2003. Unfortunately, the High Court has failed to take note of these correspondences but dismissed application invoking arbitration clause as barred by limitation.

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We are of the clear view that the High Court was in error in not considering these correspondences between the parties. The order of the High Court is accordingly set aside. The Arbitration Application No.16 of 2006 is restored to the file of the High Court for afresh disposal by taking into account the correspondences made between the parties vide letters dated 21.01.2003, 11.04.2003 and 24.04.2003. Since, the matter is pending for quite some time, the High Court is requested to dispose of the said Arbitration Application as expeditiously as possible preferably within three months from the date of receipt of this order.

The appeal is disposed of accordingly.