

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11026 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE D.A.MEHTA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

GUJARAT HOUSING BOARD

Versus

JOHNSON BUILDERS & CONTRACTORS

Appearance:

MRS KETTY A MEHTA for Petitioners

MR IS SUPEHIA for Respondent No. 1

CORAM : MR.JUSTICE D.A.MEHTA

Date of decision: 28/02/2001

ORAL JUDGEMENT

1. Rule. Mr.K.S.Sukhwani appears and waives service of rule for respondent. With consent of learned Counsel appearing for the respective parties the matter is taken up for final disposal today.

2. In this petition under Article 226 of the Constitution of India, the Gujarat Housing Board i.e. petitioner no.1 has challenged the judgment and order dated 10.8.2000 passed by the Gujarat State Public Works Contract Disputes Tribunal (hereinafter referred to as the 'Tribunal') constituted under the provisions of Gujarat Public Works Contract Disputes Arbitration Tribunals Act,1992 rejecting Arbitration Reference No.10 of 1999 only on the ground that Reference is not maintainable as Gujarat Housing Board is a public

undertaking within the meaning of Section 2(1) of the Act.

3. The Tribunal has relied upon its own order in Arbitration Reference No.13 of 1999 and has not assigned any independent reasons. The order of the Tribunal in Arbitration Reference No.13 of 1999 dated 31/7/2000 was challenged in this Court by way of Special Civil Application No. 9623 of 2000 and the said petition has been disposed of on 6.10.2000. In view of these circumstances, it is not necessary for us to set out the facts or the contention of the parties in detail.

4. For the reasons stated in the judgment of this Court dated 6.10.2000 in Special Civil Application No.9623 of 2000, we hold that Gujarat Housing Board is a corporation established under the Gujarat Housing Board Act, 1961 and controlled by the State Government and is a public undertaking within the meaning of Section 2(1) of the Act. The Tribunal shall accordingly hear and decide Arbitration Reference No.10 of 1999 in accordance with law and as expeditiously as possible. The petition is accordingly allowed and the impugned order dated 10/8/2000 is set aside. Rule is made absolute with no order as to costs.

Sd/-

(D.A.Mehta, J)

m.m.bhatt