

% 28-01-2004

Present Mr.Ajit Puddusery for the petitioner.
Ms.Sandhya Kohli for respondent/Indian Counsel of
Arbitration.
Ms.Tamali Wad for respondent/Union of India.
Mr.S.K. Singla for the respondent.

+ WP (C) Nos. 184/2002, 648/2002, 649/2002, 650/2002, 651/2002,
652/2002, 665/2002, 680/2002, 185/2002, 186/2002, 188/2002, 3168/2002,
3169/2002, 3170/2002, 3171/2002, 3173/2002, 3174/2002, 3178/2002,
3584/2002, 3596/2002, 3600/2002, 1498/2002, 1499/2002, 1500/2002,
1501/2002, 1504/2002, 1505/2002, 1506/2002.

It is contended by counsel for the parties that these matters are
fully covered by a decision of the Supreme Court in the case of Food
Corporation of India Vs. Indian Council of Arbitration & Ors. etc. JT
2003 (5) SC 480. In the said judgment, Supreme Court gave the following
directions :

"Keeping into consideration all these
aspects, we consider it just and more appropriate,
proper and reasonable - both in law and in equity and
interests of justice to direct ICA to forthwith and not
later than sixty days from this date nominate the
arbitrator as sought for by the appellants and place
the matters before such arbitrator, leaving open to the
parties to raise and pursue all objections and
contentions and thereby seek for the decision of the
arbitrator as envisaged under Section 16 of the 1996
Act, besides getting adjudication of the respective
disputes in these cases on merits and in accordance
with law. Both parties will have leave and liberties to
do so before the arbitrator on being
nominated/appointed by the ICA pursuant to these
orders."

Signature Not Verified

Digitally Signed By: AMULYA
Certify that the digital file and
physical file have been compared and
the digital data is as per the physical
file and no page is missing.

Following the judgment of the Supreme Court in Food Corporation of India (supra), we direct the ICA to forthwith and not later than sixty days from today, nominate the arbitrator as sought for by the petitioner and place the matter before such arbitrator leaving open to the parties to raise and pursue all objections and contentions and thereby seek for the decision of the arbitrator as envisaged under Section 16 of the Arbitration and Conciliation Act, 1996, besides getting adjudication of the respective disputes in these cases on merits and in accordance with law.

Both the contracting parties will have leave and liberties to do so before the arbitrator on being nominated/appointed by the ICA pursuant to these orders.

Writ petition stands disposed of in terms thereof.


Vijender Jain, J.

January 28, 2004
SA


H.R. Malhotra, J.