

% 28-01-2004 .

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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.”

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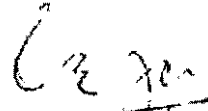
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Following the judgment of the Supreme Court in Food Corporation of India (supra), we direct the ICA to forthwith and not later than sixty days from today, nominate the arbitrator as sought for by the petitioner and place the matter before such arbitrator 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.