

A VALVUE ARMATUREN V.U. BERATUNG GMBH AND CO. KG.
v.
NATIONAL FERTILIZERS LTD. AND ORS.

JULY 27, 1998

B [DR. A.S. ANAND AND D.P. WHADHWA, JJ.]

International Arbitration :

C *Interim injunction— Operating for seven years—Held, in the nature of disputes pending before the Court, issues relating to interlocutory interdictions need to be disposed of with utmost despatch—High Court would dispose of the issue concerning the vacation or otherwise of the injunction expeditiously.*

D *Dresser Rand, S.A. v. K.G. Khosla Compressors Ltd. and Ors., [1995] Supp. 3 SCC 181, relied on.*

CIVIL APPELLATE JURISDICITON : Special Leave Petition (c)
No. 10640 of 1998.

E Arun Jaitely, Gopal Jain, R.N. Karanjawala, Ms. Nandini Gore, Ms. Seema Sapra and Mrs. Manik Karanjawala for the Petitioner.

The following Order of the Court was delivered :

F Mr. Arun Jaitely, learned senior counsel appearing for the petitioner has drawn our attention to a judgment of this court in *Dresser Rand, S.A. v. K.G. Khosla Compressors Ltd. & Ors., [1995] Supp. 3 SCC 181* and in particular, to paragraph 2, which reads thus:

G “2. In a matter of this nature where questions of amenability of a dispute to international arbitration arise it is not proper to let loose and keep at large orders of injunction of this kind for unduly long periods. It is inconsistent with the principles governing international arbitration. It is of utmost importance for the domestic courts to be circumspect in granting such interlocutory interdictions. At any rate, the court must ensure that the matters are dealt with and disposed of with utmost despatch.”

H After hearing Mr. Jaitely and perusing the record, we are of the opinion

that the issue relating to the vacation or continuance of the stay order, which A
had been obtained by the respondent in Suit No. 3737/91, as early as in
29.11.1991 and is still in operation requires to be settled expeditiously. The
issue has not been disposed of although almost seven years have elapsed.
In the nature of the dispute pending before the Court, issues relating to
interlocutory interdictions need to be disposed of with utmost despatch. B

While not being inclined to interfere with an order adjourning the
decision of issue in exercise of our jurisdiction under Article 136 of the
Constitution of India, we, however, consider it appropriate to request the High
Court to dispose of the issue concerning the vacation or otherwise of the
injunction expeditiously and as far as possible before 31.12.1998. C

With these observations, the special leave petition is disposed of.

R.P.

Petition disposed of.