

**SUPREME COURT OF INDIA**

Sanjoy Industrial and Engineering Company

Vs.

State of Bihar

(K. Ramaswamy,  
Faizan Uddin and B.N.  
Kirpal JJ.)

06.12.1995

**ORDER**

Leave granted.

Heard the counsel on both sides. Since the Civil Court and the High Court have gone into the question whether the letter dated July 5, 1979 is part of the agreement dated July 17, 1979 and have held that the letter did not form an integral part of the agreement, the agreement does not contain any obligation to pay at the rate of Rs.432/- per Hume pipe to the appellant. This being a finding of fact, we do not find any error of law warranting interference. It is next contended that the arbitrator committed legal misconduct in declining to grant the amount claimed. We do not find any substance in the contention. Moreover, the contention was not argued in the High Court. Therefore, we cannot allow the counsel to address this contention here in this appeal.

The appeal is dismissed. No costs.