

SUPREME COURT OF INDIA

Jayesh Engineering Works

Vs.

New India Assurance Co. Ltd.

(S.Rajendra Babu and S.N.Phukan JJ.)

11.03.1999

ORDER

The Text below is only a summarized version of the order pronounced

The appellants after the completion of work in respect of the certain tenders made claim for payment of money. The cheque which was given in full and final settlement of the works was first accepted by the appellant but later on objected as some amounts were still due. The arbitration clause under the agreement was invoked and the respondents filed an application under Section 33 seeking a declaration to the effect that the contract between the parties no longer subsists as the work was completed and as the amount as part of final settlement has been paid of. Even though the said application was allowed by the High Court on appeal the Apex Court rejecting the same held that the matters relating to the amount to be paid and how far the claim was tenable are matters to be adjudicated by the arbitrator.