

SUPREME COURT OF INDIA

Bharat Coking Coal Ltd.

Vs.

Raj Kishore Singh

C.A.Nos.3238-3339 of 2000

(S. B. Majmudar and Y. K. Sabharwal, JJ.)

05.05.2000

ORDER

1. Leave granted.

2. We have heard learned counsel for the appellant and learned counsel for respondent No. 1 who is the only contesting respondent-the original applicant under Section 20 of the Arbitration Act, 1940 finally in this appeal.

3. The short question is whether in an application moved by respondent No. 1 under Section 20 of the Arbitration Act, 1940, amendment under O. 6, R. 17 of the Code of Civil Procedure could have been allowed and the nature of the dispute could have been changed drastically. Such a claim cannot be well-sustained in view of the decision of this Court in C. A. No. 63 of 1990 decided on 17-8-1999. Only on this short ground, the appeals are allowed. The order granting amendment of the application under Section 20 of the Arbitration Act, 1940 by the trial Court and as confirmed by the High Court by the impugned order are set aside. Consequently, further interim orders based on the amended petition passed by the trial Court under Section 20 of the Act would also fall through.

However, at the request of learned counsel for respondent No. 1 - the original applicant it is directed that status quo as existing on spot regarding the property in question shall be maintained by both the sides for eight weeks to enable respondent No. 1, if so advised, to take appropriate steps as available to him under law. We make it clear we express no opinion on the merits of the controversy between the parties.

Order accordingly.