

(Supreme Court Of India)

Union of India & Others

v.

M/s. Concrete Products & Construction Co. & Another

(R.C. Lahoti,CJI., Ar. Lakshmanan and G.P. Mathur,JJ.,)

Civil Appeal No. 2999-3000 Of 2005 [Special Leave Petition (Civil) No. 18244-18245 Of 2004] | 02-05-2005

1. Leave granted.

2. Pursuant to the order dated 11th April, 2005, the learned Additional Solicitor General appearing for the appellants submits that the Railways have some reservation about the matter being referred to an independent arbitrator in view of the arbitration clause; and, further because this may become a precedent. We make it clear that our opinion as expressed in the order dated 11th April, 2005 to refer the matter for adjudication by an independent arbitrator, preferably a retired Judge, was formed on the peculiar facts and circumstances of these cases and, therefore, cannot be a precedent to be followed in other cases.

3. We direct that the disputes between the parties arising for decision in these matters be referred for adjudication by an Arbitral Tribunal consisting solely of Mr. Justice K. Venkataswami, a former Judge of this Court. The learned Arbitrator would appoint his reasonable fee and expenses.

4. The parties would be at liberty to seek interim relief from the sole Arbitrator.

5. The impugned judgments of the High Court are set aside. The appeals stand disposed of in the above said terms.