

SUPREME COURT OF INDIA

State of West Bengal & Ors.

Vs.

Saha & Co.

C.A.No.3763 of 2002

(H.K.Sema and Markandey Katju, JJ.)

27.02.2008

ORDER

1. After hearing learned counsel for the parties, we propose to dispose of this appeal by a short order. The grounds on which this appeal would succeed is that in the appeal memo a specific ground is taken that after the acceptance of the final measurement while accepting the Ninth Running Account Bill being the Final Bill, no arbitrable dispute would remain between the appellant and the respondent. We have gone through the judgment rendered by the Division Bench. The aforesaid ground raised in the memorandum of appeal and the other grounds have not been dealt with by the Division Bench of the High Court. On this sole ground, this appeal succeeds

2. This appeal is allowed. The impugned order of the High Court is set aside. The matter is remanded to the High Court to dispose of afresh after dealing with all the grounds mentioned in the memorandum of appeal. The appellant may approach the High Court for an interim order.