

**SUPREME COURT OF INDIA**

Union of India

Vs.

Sanjeev Builders

C.A.No.2970 of 2008

(A.K.Mathur and Altamas Kabir JJ.)

23.04.2008

**ORDER**

1. Heard learned counsel for the parties.

2. Leave granted.

3. This appeal is directed against the judgment and order dated 12.3.2005 of the District Judge, Bhatinda whereby the learned District Judge has directed C.W.E. to appoint the Arbitrator in terms of Clause 70 of the Contract. Learned Addl. Solicitor General appearing for the appellant-Union of India has produced before us a copy of the Tender Document. As per the Tender Document, it is the Engineer-in-Chief who is competent to appoint Engineer Officer as Arbitrator to dispose of the dispute between the parties. Therefore, we set aside the impugned judgment and order dated 12.3.2005 passed by the District Judge, Bhatinda and direct the Engineer-in-Chief to appoint an Engineer Officer as Arbitrator in terms of the Tender Document. All the questions of law and fact, including the question of limitation, will be open to be argued before the Arbitrator.

The appeal is allowed. No order as to costs.