

SUPREME COURT OF INDIA

M/s.Dharmendra Construction Co.

Vs.

State of Rajasthan

Civil Appeal No.....of 2008

(Tarun Chatterjee and Aftab Alam JJ.)

14.07.2008

ORDER

1. Leave granted.
2. Heard the earned counsel for the parties.
3. It has now been brought to the notice of this Court that the civil suit filed by the appellant has already been withdrawn. A copy of the same has already been filed in this Court with an affidavit. In this view of the matter, the impugned order is set aside and the High Court is directed to decide the application filed by the appellant under Section 11 of the Arbitration and Conciliation Act, 1996 for appointment of an Arbitrator which was registered as S.B. Arbitration Application NO.6 of 2005 before the High Court of Judicature for Rajasthan, Jaipur Bench. It is expected that the said application shall be decided by the High Court as early as possible preferably within six months from the date of supply of a copy of this order.
4. We, however, make it clear that we have not gone into the merits of the application under Section 11 of the Arbitration and Conciliation Act which shall be decided by the High Court in accordance with law.
5. For the reasons aforesaid, the impugned order is set aside and the appeal is allowed to the extent indicated above. There will be no order as to costs.