

SUPREME COURT OF INDIA

Master Tours & Travels

Vs.

The Chairman, Shri Amarnath Ji Shrine Board &Ors.

C.A.No.14620 of 2015

(Kurian Joseph and Arun Mishra, JJ.)

15.12.2015

JUDGMENT

Kurian Joseph, J.

1. Leave granted.

2. The short question is whether in terms of Clause 13 of the Work Order, the dispute raised by the appellant should be referred to the Arbitration. The Clause 13 of the Work Order reads as follows:

"In case of any dispute the matter shall be referred to the Chief Executive Officer - Shri Amarnathji Shrine Board, whose decision in the matter shall be final."

3. Though learned Counsel for the appellant tried to convince that the aforesaid Clause has to be read as an Arbitration Clause for settling the disputes between the parties, placing reliance on the decision of this Court in *State of Punjab and Others Vs. Dina Nath*¹, we are unable to appreciate the contention in view of the subsequent decision of a three Judge Bench of this Court in *P. Dasaratharama Reddy Complex Vs. Government of Karnataka and Another*², Be that as it may, in view of the long pendency of the dispute, the learned Counsel for the appellant submits that appellant may be permitted to invoke the provision for adjudication before the Chief Executive Officer with the appellant's participation and the same may be disposed of in a time bound manner.

4. Having heard the learned Senior Counsel appearing for the respondents, we see no reason to deny the request, accordingly, the appeal is disposed of as follows.

5. The appellant is free to make a comprehensive representation raising all the disputes before the Chief Executive Officer of Respondent No.1, within a period of four weeks from today. The Chief Executive Officer shall look into the same and after hearing the appellant take a final decision in the matter within another six weeks.

6. No costs.

Judgment Referred.

1(2007) 5 SCC 0028

2(2014) 2 SCC 0201