r ITEM NO.46 COURT NO.5 SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 13531/2015

(Arising out of impugned final judgment and order dated 23/12/2014 in CMWP No. 10475/2013 passed by the High Court Of Judicature at Allahabad, Lucknow Bench)

M/S SHIVAM RICE MILLS THROUGH
ITS PROPRIETOR AND OTHERS Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(with appln. (s) for exemption from filing O.T. and permission to file synopsis and list of dates and interim relief and office report)

Date : 08/05/2015 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s) Mr. Gopal Subramanium, Sr. Adv.
Mr. Anil Kumar Mishra, AOR

For Respondent(s) Mr. Vikrant Yadav, Adv.
Mr. Gaurav Dhingra, AOR

UPON hearing the counsel the Court made the following
O R D E R

Heard Mr. Gopal Subramanium, learned senior counsel, being assisted by Mr. Anil Kumar Mishra, learned counsel for the petitioner and Mr. Gaurav Dhingra, learned standing counsel for the State of U.P.

Having heard learned counsel for the parties, we are of the considered opinion that there is no justification to interfere with the impugned order. However, as the High Court has observed that the petitioner can seek invocation of the arbitration clause,

we grant liberty to the petitioner to suggest the name of an independent arbitrator. The authority may consider the said prayer with objectivity. If the petitioner is aggrieved, he can challenge the appointment of arbitrator in accordance with law, regard being had to the circumstances. We may hasten to clarify, our observations do not remotely convey that the petitioner shall not pay, as has been directed by the High Court. It is not subject to arbitration proceedings. Needless to say as the controversy is referable to arbitration, all contentions, as permissible in law, are kept open.

With the aforesaid observation, the special leave petition stands dismissed.

(Gulshan Kumar Arora)
Court Master

(H.S. Parasher)
Court Master