ITEM NO.3 COURT NO.13 SECTION XI-A

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

SPECIAL LEAVE PETITION (CIVIL) …….Diary No(s).22398/2022

(Arising out of impugned final judgment and order dated 17-01-2022 in ARBA No.36/2020 passed by the High Court of Kerala at Ernakulam)

SOUTHERN RAILWAY & ORS. Petitioner(s)

VERSUS

SANTHOSH BABU Respondent(s)

(FOR ADMISSION and I.R. and IA No.111465/2022-CONDONATION OF DELAY IN FILING)

Date : 26-09-2022 This petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s) Mr. Tushar Mehta, SG
Mr. Kanu Agrawal, Adv.
Mr. B.K. Satija, Adv.
Mr. Bharat Singh, Adv.
Mr. Madhav Sinhal, Adv.
Mr. Amrish Kumar, AOR

For Respondent(s) Mr. Krishnamohan K., AOR
Ms. Dania Nayyar, Adv.

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

1. Delay condoned.

2. Having heard learned Solicitor General appearing on behalf of the petitioners as also learned counsel, who appears on caveat on behalf of the respondent, we are not inclined to interfere with the impugned judgment and order passed by the High Court of Kerala at Ernakulam.

However, we do not approve the observations made by the High Court in the impugned order to the effect that "the undertaking made by the respondent in the rider agreements that he would execute the remaining part of the work on the same terms and

conditions in a case of this nature, is unfair". Similarly, it may not have been permissible for the High Court to invoke the equality clause under Article 14 of the Constitution while deciding the arbitration dispute, which has been construed as per its own terms and conditions.

4. With the above clarifications, the Special Leave Petition stands disposed of.

(SATISH KUMAR YADAV)
DEPUTY REGISTRAR

(PREETHI T.C.)
COURT MASTER (NSH)