

ITEM NO.50

COURT NO.1

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 22282/2017
(Arising out of impugned final judgment and order dated 04-07-2017
in WP No. 102965/2017 passed by the High Court of Karnataka Circuit
Bench at Dharwad)

D.Y. UPPAR

Petitioner(s)

VERSUS

KARNATAKA NEERAVARI NIGAM LIMITED ANR. & ANR.

Respondent(s)

(FOR ADMISSION and IA No.80804/2017-EXEMPTION FROM FILING O.T.)

Date : 04-09-2017 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s)

Mr.K.Arun Kumar, Adv.
Mr.M.V.Sundararaman, Adv.
Mr.Balaji Srinivasan, AOR

For Respondent(s)

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

Heard learned counsel for the petitioner.

In the course of hearing it is noticeable that the Corporation, namely, Gram Neeravari Nigam Limited had participated before the Arbitral Tribunal and also filed its objections under Section 34 of the Arbitration and Conciliation Act, 1996 before the concerned District Judge. It is not the stand of the Corporation that it is not liable to pay or that the State or Government of India is liable to pay. In this situation, we are not inclined to interfere, for we do not perceive any reason that the eventual decree, if any, to be passed in favour of the

claimant shall not be executed and the Corporation will be entitled to state that the decree does not bind it.

Needless to say the District Judge dealing with the objections filed under Section 34 of the Act shall address all the issues raised by the Corporation. We have said so as the petitioner has apprehensions that eventual decree would be a paper tiger. Be it noted in the Corporation the Government has a major share.

The special leave petition is disposed of accordingly.

(Ashok Raj Singh)
Court Master

(Shakti Parkash Sharma)
Court Master