

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 307 OF 2017
(Arising out of SLP(C) No. 26664 of 2013)

UNIVERSAL BUILDWELL P. LTD. ... Appellant(s)

Versus

RAKESH ASTHANA AND ORS. ... Respondent(s)

WITH

CIVIL APPEAL NO.308 of 2017 @ SLP © No. 29533 of 2013, Civil Appeal No.309 of 2017 @ SLP(C) No. 36115 of 2013 and Civil Appeal No.310 of 2017 @ SLP(C) No. 36993 of 2013

O R D E R

Leave granted.

We have heard learned counsel for the parties.

We are of the view that it was not open to the High Court in the circumstances to give a direction to register the FIR. It was for concerned parties to take their remedies. Accordingly, we set-aside the said direction and registration of FIR in pursuance thereof. We make it clear that it will be open to the respondents to take any remedy in accordance with law.

At this stage, learned counsel for the parties agree that all outstanding disputes between the parties arising out of Agreements dated 9.4.2005 and 20.09.2005

be referred for arbitration to Justice R.C.Chopra, former Judge of the High Court of Delhi.

We find no difficulty in accepting the said prayer.

Accordingly, we direct that the above dispute between the parties shall stand referred to Justice R.C.Chopra, former Judge of the Delhi High Court. The Arbitration proceedings shall take place at Delhi.

The Arbitrator shall be at liberty to fix his own remuneration and any other terms and conditions for the arbitration in consultation with the parties.

Let a copy of this order be communication to the learned Arbitrator so that he may enter upon the reference as expeditiously as possible.

The parties may appear before the Arbitrator for further proceedings on Monday i.e. the 6th February, 2017 at 4 P.M.

The appeals are disposed of in above terms.

.....J.
(ADARSH KUMAR GOEL)

.....J.
(UDAY UMESH LALIT)

New Delhi,
Dated: 10th January, 2017.

ITEM NO.14

COURT NO.11

SECTION IVB

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). 26664/2013

(Arising out of impugned final judgment and order dated 04/07/2013 in CWP No. 23549/2011 passed by the High Court Of Punjab & Haryana At Chandigarh)

UNIVERSAL BUILDWELL P LTD

Petitioner(s)

VERSUS

RAKESH ASTHANA & ORS.

Respondent(s)

(with interim relief and office report)

(for Final Disposal)

WITH

SLP(C) No. 29533/2013
Interim Relief and Office Report)

SLP(C) No. 36115/2013
Office Report)

SLP(C) No. 36993/2013
Office Report)

Date : 10/01/2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. Rana Mukherjee, Sr. Adv.
Mr. Mohit Paul, Adv.
Mr. Vikas Arora, Adv.
Ms. Diksha Jhingan, Adv.

Mr. Ghan Shyam Vasisht, Adv.
Mr. S.S.Lingwal, Adv.

For Respondent(s) Dr. Monika Gusain, Adv.
Mr. Raj Singh Rana, Adv.

Mr. Ghan Shyam Vasisht, Adv.
Mr. S.S.Lingwal, Adv.

Mr. Raj Singh, AAG,

Mr. Vivek Tiwari, Adv.
Mr. H.S.Sachdeva, Adv.
Mr. Praveen Kumar, Adv.

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

Leave granted.

The appeals are disposed of in terms of the signed order

(Shashi Sareen)

AR-cum-PS

(Signed order is placed on the file)

(Veena Khera)

Court Master