

ITEM NO.1 Court 14 (Video Conferencing) SECTION III

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

Civil Appeal No(s). 4403/2019

VISHWASRAO DATTATRAY KACHARE & ORS. Appellant(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

([ONLY IA NO. 72432/2021 (APPLICATION FOR DIRECTION)in SLP(C) 720 of 2020 IS LISTED AGAINST THIS ITEM.]
IA No. 14826/2019 - APPLICATION FOR PERMISSION)

WITH

SLP(C) No. 720/2020 (XIV)
(FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 72432/2021
IA No. 72432/2021 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 07-03-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MR. JUSTICE VIKRAM NATH

For Parties

Mr. Sanjay Jain, ASG
Mr. Gurmeet Singh Makker, Adv.
Mr. Kanu Agrawal, Adv.
Ms. Vanshaja Shukla, Adv.
Mr. Anukalp Jain, Adv.

Ms. Pinky Anand, Sr. Adv.
Ms. Neetika Sharma, Adv.
M/S. M. V. Kini & Associates, AOR

Mr. Debal Banerji, Sr. Adv.
Mr. Nakul Gandhi, Adv.
Mr. Mohit Singh, AOR

Mr. Ashok Mathur, AOR

Mr. Raghvendra Kumar, Adv.
Mr. Anand Kumar Dubey, Adv.
Mr. Nishant Verma, Adv.
Mr. Rajiv Kumar Sinha, Adv.
Mr. Simanta Kumar, Adv.
Mr. Sunil, Adv.
Mr. Narendra Kumar, AOR

Mr. Sunil Kumar Jain, AOR

Mr. A.K. Shahi, Adv.
Mr. Sushant Mahajan, Adv.
Ms. Rashika Swarup, Adv.

Mr. Aaditya A. Pande, Adv.
Mr. Rahul Chitnis, Adv.
Mr. Sachin Patil, AOR
Mr. Geo Joseph, Adv.
Ms. Shwetal Shepal, Adv.

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

In C.A. No. 4403 of 2019

List this appeal for hearing in the month of July, 2022.

Parties may complete all their pleadings and may also submit short notes on their submissions before the matter is taken up for hearing.

In SLP(C) No. 720 of 2020

Though the matter is posted for consideration of an application for direction (I.A. No. 72432 of 2021), as moved by the contesting respondent with the prayer that any retired Judge of the High Court or the Supreme Court may be appointed as an arbitrator but, it has been pointed out today by the learned counsel appearing for the contesting respondent that there had been a significant subsequent event inasmuch as, by an order dated 03.01.2022, the Central Government has appointed Legal Remembrancer-cum-Secretary, Department of Law and Parliamentary Affairs, Government of Sikkim as the arbitrator and the contesting respondent (writ petitioner) has accepted this appointment.

Mr. Debal Kumar Banerji, learned senior counsel appearing for the petitioner, on instructions, does not dispute this position.

In view of this subsequent event where another arbitrator has been appointed by the Central Government in terms of Section 3G(5) of the National Highways Act, 1956 ('the Act') and such an appointment has been accepted by the contesting respondent, we do not find it necessary to adjudicate on the issues raised in this petition, challenging the legality of the impugned order dated 29.08.2019 as passed by the High Court of Sikkim in Writ Petition (C) No. 36 of 2018.

Learned counsel appearing for the contesting respondent (writ petitioner) also frankly submits that in view of the appointment so made, the grievance in relation to the appointment stand redressed and there is no requirement of proceeding against the officers of the petitioners in contempt; and the relevant submissions in this regard would be made before the High Court.

We may, however, observe that various issues pertaining to the process of appointment of an arbitrator in terms of Section 3G(5) of the Act are otherwise pending for consideration in this Court in the connected matter, being Civil Appeal No. 4403 of 2019, wherein leave has been granted and the appeal has been posted for hearing.

In view of the above, we close the proceedings in the present petition while making it clear that termination of these proceedings shall have no bearing on the issues involved in Civil Appeal No. 4403 of 2019.

This special leave petition stands disposed of, accordingly.

All the pending applications also stand disposed of.

(POOJA SHARMA)
SENIOR PERSONAL ASSISTANT

(RANJANA SHAILEY)
BRANCH OFFICER