

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

ARBITRATION PETITION NO. 14 OF 2017

MANBHUPINDER SINGH ATWAL . Petitioner(s)

VERSUS

NEERAJ KUMARPAL SHAH & ORS. Respondent(s)

O R D E R

1) Heard the learned Senior Counsel appearing for the parties.

2) This petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996. One of the points of controversy that has come up before us is whether the present matter is a case of an International Commercial Arbitration in view of the fact that the petitioner is stated to be habitually resident in Oman, and would therefore, fall within sub-clause (i) of Section 2(f) of the Act.

3) Shri Gopal Shankar Narain, learned counsel on behalf of Respondent No.3, has correctly brought to our notice a certificate issued by the Sultanate of Oman of 2017 stating that the petitioner has been a habitual resident of Oman at least since 2012. This being the case, the present matter is undoubtedly a case of an International Commercial Arbitration.

4) Given the fact that the arbitration clause between the parties requires the appointment of three Arbitrators, and given the fact that Respondent No.1 has appointed Hon'ble Mr. Justice G.T. Nanavati to be their Arbitrator and Respondent Nos. 2 and 3 along with the petitioner have appointed Hon'ble Mr. Justice J.M. Panchal, we appoint Hon'ble Mr. Justice C.K. Thakker, former Judge of this Court, to be the Chairman of the three-Member panel to adjudicate all disputes between the parties.

5) The petition is disposed of in the aforesaid terms.

..... J.  
(ROHINTON FALI NARIMAN)

..... J.  
(SANJAY KISHAN KAUL)

New Delhi;  
July 24, 2017.

ITEM NO.3

COURT NO.12

SECTION XVI -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 Arbitration (Civil) No(s). 14/2017

MANBHUPINDER SINGH ATWAL &amp; ANR.

Petitioner(s)

VERSUS

NEERAJ KUMARPAL SHAH &amp; ORS.

Respondent(s)

Date : 24-07-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr. K.V. Vishwanathan, Sr. Adv.  
Mr. Kirat Singh Nagra, Adv.  
Mr. Kartik Yadav, Adv.  
Mr. Pranav Vyas, Adv.  
Mr. Siddhant Buxy, Adv.  
For M/s. Cyril Amarchand Mangaldas Aor, AOR

For Respondent(s) Mr. V. Giri, Sr. Adv.  
Mr. Sanjay Hegde, Sr. Adv.  
Purvish Jitendra Malkan, AOR

Mr. K. V. Sreekumar, AOR

Mr. Shamik Sanjanwala, Adv.  
Mr. Sunil Kaundal, Adv.  
Mr. Gaichangpou Gangmei, AOR

Mr. Harish Pandey, AOR

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

The petition is disposed of in terms of the signed order.

Pending applications, if any, also stand disposed of.

(R. NATARAJAN)  
COURT MASTER

(SAROJ KUMARI GAUR)  
COURT MASTER

(Signed order is placed on the file)