
(2000) 03 SC CK 0025

In the Supreme Court Of India

Case No : Civil Appeal No. 1953 of 2000

Union of India (UOI)

APPELLANT

Vs

M/s. Hanuman Prasad and Bros.

RESPONDENT

Date of Decision : 06-03-2000

Acts Referred:

Arbitration and Conciliation Act, 1996 — Section 30
Limitation Act, 1963 — Section 5

Citation : (2000) 3 AWC 2807 : (2000) 8 JT 330

Hon'ble Judges : S. B. Majmudar, J; Ruma Pal, J

Bench : Division Bench

Final Decision : Allowed

Judgement

S.B. Majmudar and Ruma Pal, JJ.—Leave granted.

2. We have heard learned Additional Solicitor-General for the Appellant and Shri Hanuman Prasad who is present in person on behalf of Respondent-firm.

3. In our view, on the facts and circumstances of the case, it could not have been said that there was no sufficient cause for the Appellant to get the delay of 2 months 22 days in filing objections u/s 30 of the Arbitration and Conciliation Act, 1996 condoned in the interest of justice. We also find that Section 5 of the Limitation Act was wrongly held inapplicable to the proceedings before Court regarding making the award a rule of the Court. Consequently, on these grounds, the impugned orders of the High Court as well as of the trial court are set aside. The trial court is directed to take up objections u/s 30 of the Arbitration and Conciliation Act, 1996 on record and to decide the same in accordance with law on merits within a period of two months from the receipt of a copy of the order at its end. We make it clear that we make no observation on the merits of the objections u/s 30 of the Act which have to be decided by the trial court on its own. As the delay of 2 months 22 days is condoned, we direct the Appellant to pay Rs. 5,000 by way of special cost to the respondent within four weeks from today. in the meantime, Rs. 24,37,868 lying deposited in the court of learned

District Judge, Jaipur shall be invested by learned District Judge in any Nationalised Bank initially for a period of six months awaiting decision in the remanded proceedings and the said deposit can be renewed for further suitable period if so required. In view of the present order, earlier order dated 5.11.1999 directing the Appellant to keep a net balance of Rs. 7 lacs in Bank Account No. D-45 with State Bank of India at N.C.R.B. Branch, Jaipur does not survive. The appeal is allowed accordingly with Rs. 5,000 special cost to be paid to the Respondent.