

Court No. - 17

Case :- WRIT - C No. - 1002605 of 2004

Petitioner :- State Bank Of India Through Its Astt. G.M.

Respondent :- Union Of India Through Secy. Ministry Of Law
And 2 Ors.

Counsel for Petitioner :- N.K.Seth, Sharad Dwivedi, Sudeep
Seth

Counsel for Respondent :- Deepak Seth, S.B. Pandey, Surya
Kant

Hon'ble Alok Mathur, J.

1. Heard Sri Sharda Dwivedi, learned counsel for the petitioner.
2. By means of the present petition the petitioner has assailed the order dated 29.5.2004 whereby the arbitrator has rejected the objections relating to validity of his appointment and he has held that he has full statutory jurisdiction in the matter to deal with the case and held his appointment to be legal and valid.
3. The present dispute pertains to cancellation of the contract by the petitioner vide letter dated 19.4.2002 with regard to construction of the building. Aggrieved by the said cancellation the respondent had referred the said dispute for arbitration in terms of the agreement entered into between the parties. A preliminary objection was raised by the petitioner before the sole arbitrator that he does not have the jurisdiction to arbitrate in the said matter as the procedure has not been followed for his appointment. The arbitrator had rejected the said contentions by means of the impugned order dated 29th May, 2004.
4. Learned counsel for the petitioner has fairly submitted that during pendency of the said petition the sole arbitrator Sri A. P. Paracer, Deputy Director General, C.P.W.D., who was appointed as arbitrator, has died.
5. Considering the fact that by means of the present petition the appointment of the arbitrator was challenged and this Court by means of order dated 7.7.2004 has stayed the arbitration proceeding also considering that the sole arbitrator has died and admittedly the arbitration proceedings were not concluded by him the present writ petition has become infructuous.
6. In case, the dispute subsists then the parties are at liberty to proceed in accordance with law.

7. In light of the aforesaid submissions the petition is **dismissed as having become infructuous.**

(Alok Mathur, J.)

Order Date :- 22.11.2023
RKM.