

A.No.4944 and 4945 of 2016
in O.P.Nos.3 and 422 of 2005

RAJIV SHAKDHER, J.

These are applications moved by the original petitioner, seeking to correct typographical errors, which appear to have crept in the judgment dated 03.08.2016. There are three errors, which have been pointed out by the counsel for the applicant/original petitioner.

2. Issue notice. Mr.V.G.Suresh Kumar, accepts notice on behalf of respondent No.1/Union of India. He says that since these are typographical errors, the Court may proceed to correct the same.

3. The first error is in paragraph No.1 of the judgment dated 03.08.2016. The second error is in paragraph No.7 and, the third error, is said to have crept in paragraph No.8.

3.1. A perusal of the record shows that, while, the first sheet of the judgment clearly records that O.P.No.3 of 2005 assails order dated 03.02.2004 and that O.P.No.422 of 2005 seeks to set aside order dated 26.08.2002, in paragraph No.1 of the judgment, inadvertantly, the reverse has been recorded. Quite clearly, this is a typographical error, which requires to be corrected. It is ordered accordingly.

3.2. The second error is also a typographical error, which requires correction, inasmuch as, in paragraph No.7, it is recorded that respondent No.1/Union of India would have been entitled to take recourse to the provisions of Section 6(2) of the 1993 Act, which requires arbitration has to be carried out by the Industry Facilitation Council.

3.3. The error in this paragraph of the judgment is, in adverting to "respondent No.1/Union of India". Since, the original petitioner/the applicant was the claimant, obviously, the recourse, if at all, had to be taken by it under Section 6(2) of the 1993 Act. Therefore, this typographical error requires to be corrected too. It is ordered accordingly.

3.4. The third error, which has been brought to the notice of the Court, curiously, enough has occurred by virtue of the mistake committed by the Registry in uploading the uncorrected order of this Court. The signed order on record, in paragraph No.8 in line No.1, uses the term "disinclined", whereas, the Registry has uploaded the uncorrected order, wherein, the stenographer had typed the word "disentitled". Therefore, this part of the order need not be corrected, as the signed copy of the order uses the correct terminology, which is "disinclined".

4. Accordingly, for greater clarity, the corrected versions of paragraph Nos.1 and 7 are set out hereunder.

“1. These petitions lay challenge to two separate awards, which have been rendered qua disputes arising between the parties herein. The first petition, which is numbered as: O.P.No.3 of 2005, lays challenge to the award dated 03.02.2004. The second petition which is numbered as: O.P.No.422 of 2005 lays challenge to the award dated 26.08.2002.

7. Furthermore, as indicated, in the judgment of Wada Arun Asbestos Private Limited V. Gujarat Water Supply and Sewerage Board, [(2009) 2 SCC 432], had this issue come to fore, the petitioner would have been entitled to, perhaps, take recourse to the provisions of Section 6(2) of the 1993 Act, which requires arbitration to be carried out by the Industry Facilitation Council.”

5. It is made clear that the other directions contained in the judgment dated 03.08.2016 will remain unaltered.

6. At this stage, counsel for the parties say that they have already received the certified copies of the uncorrected judgment. Learned counsels submit that they will deposit the uncorrected judgment with the Registry and thereafter, collect the corrected judgment.

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7. The Registry will, accordingly, issue a certified copy of the judgment, after incorporating the corrections pointed out above, bearing in mind that paragraph No.8 of the judgment will read as indicated in the original signed judgment.

vsm/sl

29.09.2016

***Note: Registry will issue the certified copy of
the corrected judgment by 04.10.2016.***

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