

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

A.S.MP.No.1619 OF 2017

IN/AND

APPEAL SUIT No.2607 OF 2001

COMMON JUDGMENT:

A.S.MP.No.1619 of 2017 is filed to refer the matter for conciliation before the committee constituted under G.O.Rt.No.271, Irrigation & CAD (ARB/SPF) Department, dated 28.10.2014.

2. Sri Akshat Sanghi, learned counsel, appearing on behalf of Sri B. Vijaysen Reddy, learned counsel for petitioner Nos.3 and 4 – appellant Nos.3 and 4, would submit that in identical matters, this Court, disposed of appeals basing on G.O.Rt.No.271, Irrigation & CAD (ARB/SPF) Department, dated 28.10.2014, whereby the committee was reconstituted, to take up conciliation and pass appropriate orders in accordance with law. One such order, dated 25.04.2016, in A.S.No.2707 of 2001 rendered by a Division Bench of this Court is placed for perusal.

3. The Honourable Division Bench, referring to the orders passed in batch of cases in C.M.A.No.1412 of 1989 and the cross-objections therein, passed the following order:

“Having carefully perused the material placed on record and in view of the submissions made by the learned Advocate General and following the judgment of this Court in C.M.A.No.1412 and Cross-Objections 1466 of 1989 and batch, we are inclined to dispose of the appeal suit with the following directions:

“Both the parties are directed to make representation before the Committee reconstituted under G.O.Rt.No.271, dated 28.10.2014, and on such representation being made, the re-

constituted Committee shall follow the due process of law by affording ample opportunity to both the parties in the process of conciliation and pass appropriate orders in accordance with law. However, as this matter pertains to the year 2001, and so much of time has elapsed, and it is a dispute between the contractor and the Government with regard to the claims made by the contractor in respect of the works executed by them, the Committee is directed to dispose of the matter within a period of six months from the date of receipt of a copy of this order. During the course of conciliation, both the parties are directed to co-operate with the Committee for early disposal of the case within the time stipulated by this Court. Till such time, the interim stay granted by this Court on 19.02.2002 shall remain in force.

It is needless to mention that if, for any reason, the parties are not agreeable to the decision that may be taken by the Committee, it is always left open to the parties to approach this Court in terms of the order passed by this Court on 08.06.2007 in C.M.A.No.1412 and Cross-Objections 1466 of 1989 and batch.”

Subject to the above directions, this Appeal Suit is disposed of. No order as to costs.”

4. Learned Government Pleader for Arbitration, having verified whether the reconstituted committee is still existing or not, has come up with the submission that the committee has been in existence and taking up conciliation matters, and would agree with the learned counsel for petitioners –appellants.

5. Therefore, A.S.MP.No.1619 of 2017 is allowed and the present appeal is disposed of with alike directions as in A.S.No.2707 of 2001, dated 25.04.2016. Miscellaneous Petitions, if any, pending in this appeal shall stand closed. There shall be no order as to costs.

6. A copy of the order, dated 25.04.2016, in A.S.No.2707 of 2001 shall form part of the order herein.

A. SHANKAR NARAYANA, J

August 04, 2017.
MD