

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.14620 OF 2015
(Arising out of SLP (C) NO. 28720 of 2014)

M/S MASTER TOURS AND TRAVELS

APPELLANT

VERSUS

THE CHAIRMAN, SHRI AMARNATH JI
SHRINE BOARD AND ORS.

RESPONDENTS

J U D G M E N T

KURIAN, J.

Leave granted.

The short question is whether in terms of Clause 13 of the Work Order, the dispute raised by the appellant should be referred to the Arbitration. The Clause 13 of the Work Order reads as follows:

"In case of any dispute the matter shall be referred to the Chief Executive Officer - Shri Amarnathji Shrine Board, whose decision in the matter shall be final."

Though learned Counsel for the appellant tried to convince that the aforesaid Clause has to be read as an Arbitration Clause for settling the disputes between the parties, placing reliance on the decision of this Court in State of Punjab and Others Vs. Dina Nath, (2007) 5 SCC 28, we are unable to appreciate the contention in view of the subsequent decision of a three Judge Bench of this Court in P. Dasaratharama Reddy Complex Vs. Government of Karnataka and Another, (2014) 2 SCC 201.

Be that as it may, in view of the long pendency of the dispute, the learned Counsel for the appellant submits that appellant may be permitted to invoke the provision for adjudication before the Chief Executive Officer with the appellant's participation and the same may be disposed of in a time bound manner.

Having heard the learned Senior Counsel appearing for the respondents, we see no reason to deny the request, accordingly, the appeal is disposed of as follows.

The appellant is free to make a comprehensive representation raising all the disputes before the Chief Executive Officer of Respondent No.1, within a period of four weeks from today. The Chief Executive Officer shall look into the same and after hearing the appellant take a final decision in the matter within another six weeks.

No costs.

JUDGMENTJ.
[KURIAN JOSEPH]

.....J
[ARUN MISHRA]

NEW DELHI;
DECEMBER 15, 2015