

ITEM NO.6 Court 3 (Video Conferencing) SECTION XVI

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 12670/2020

(Arising out of impugned final judgment and order dated 12-03-2020 in AP No. 732/2018 passed by the High Court At Calcutta)

UNION OF INDIA Petitioner(s)

VERSUS

M/S TANTIA CONSTRUCTIONS LIMITED Respondent(s)

(FOR ADMISSION and I.R. and IA No.108662/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 11-01-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN  
HON'BLE MR. JUSTICE NAVIN SINHA  
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) Mr. K.M. Nataraj, ASG  
Mr. Sharath Nambiar, Adv  
Mr. Uday P Yadav, Adv.  
Mr. Raj Bahadur Yadav, AOR

For Respondent(s) Mr. Soumya Chakraborty, Sr. Adv.  
Mr. Raghunath Ghose, Adv.  
Mr. Santanu Ghosh Adv.  
Mr. Nikhil Jain, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Having heard Mr. K.M. Nataraj, learned ASG for sometime, it is clear that on the facts of this case, the judgment of the High Court cannot be faulted with. Accordingly, the Special Leave Petition is dismissed. However, reliance has been placed upon a recent three-Judge Bench decision of this Court delivered on 17.12.2019 in Central Organisation for Railway Electrification vs. M/s ECI-SPIC-SMO-MCML (JV) A Joint Venture Company, 2019 SCC OnLine

1635. We have perused the aforesaid judgment and *prima facie* disagree with it for the basic reason that once the appointing authority itself is incapacitated from referring the matter to arbitration, it does not then follow that notwithstanding this yet appointments may be valid depending on the facts of the case.

We therefore request the Hon'ble Chief Justice to constitute a larger Bench to look into the correctness of this judgment.

Pending application stands disposed of.

(R. NATARAJAN)  
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)  
BRANCH OFFICER