

M/S SARDAR CONSTRUCTION CO.

v.

STATE OF GUJARAT

JANUARY 25, 1999

[MRS. SUJATA V. MANOHAR AND R.C. LAHOTI, JJ.]

*Gujarat Public Works Contracts Disputes Arbitration Tribunal Act, 1992 : Sections 8 and 21.*

*Arbitration Proceedings—Pendency of—Award given before commencement of 1992 Act—Award not attaining finality when 1992 Act came into force—In-applicability of provisions of Arbitration Act—Transfer of proceedings to Tribunal under 1992 Act—Held valid.*

CIVIL APPELLATE JURISDICTION : Petition(s) for Special Leave to Appeal (Civil) No. 14668/98.

From the judgment and order dated 01.05.98 in CRA 2283/95 of the High Court of Gujarat at Ahmedabad.

K. Janani for the Petitioner:

K.G. Shah, A.P. Medh and Mrs. Suchitra A. Chitale for the Respondents.

The following order of the Court was delivered :

The award in the present case, though given prior to 1.1.1994 which is the date of commencement of the Gujarat Public Works Contracts Disputes Arbitration Tribunal Act, 1992, had not attained finality at the time when the said Act came into force. Under Section 21 of the said Act, the provisions of the Arbitration Act shall, insofar as they are inconsistent with the provisions of the Act, cease to apply to any dispute arising from a works contract and all arbitration proceedings in relation to such dispute before an arbitrator, umpire, Court or authority shall stand transferred to the Tribunal. In the present case, the arbitration proceedings in relation to the dispute were pending before the court and hence the High Court has rightly transferred these proceedings to the Tribunal. Under Section 8 of the said Act on reference to the Tribunal, the Tribunal has to make an

A award which shall be deemed to be a decree within the meaning of Section 2 of Civil Procedure Code, 1908 and it shall be executed accordingly.

We, therefore, agree with the reasoning and conclusion of the High Court. The S.L.P. is dismissed.

T.N.A.

Petition dismissed.