
(1995) 4 SCC 655 Supp
Supreme Court of India
Case No: Civil Appeal No. 82 Of 1983

R.L. Pinto

APPELLANT

Vs

P.A.W. Barnard and
Others

RESPONDENT

Date of Decision: April 9, 1992

Citation: (1995) 4 SCC 655 Supp

Hon'ble Judges: S. Mohan, J; K. Jayachandra Reddy, J; G. N. Ray, J

Bench: Full Bench

Final Decision: Disposed Of

Judgement

@JUDGMENTTAG-ORDER

1. THIS appeal is directed against an order removing the arbitrator on the ground that he committed an act of legal misconduct. The only allegation

has been that the arbitrator demanded his fees and expenses exclusively from the respondent and accepted a portion of such fees without the

knowledge of the other side. Having carefully gone through the records, we have not been able to see how the same amounts to legal misconduct.

The High court has also given a finding that there are no arbitrable issues. We, however, keep this question open.

2. IT has been, however, brought to our notice that the arbitrator so appointed is no more and therefore the arbitration proceedings have to be

started afresh. It is open to the appellant to approach the Second Additional Civil Judge, Bangalore for appointing sole arbitrator or arbitrators.

The arbitrators so appointed shall decide all the issues including the issue whether there is an arbitrable issue, or not. With the above observations

the appeal is disposed of. There will be no order as to costs