

ITEM NO.9

COURT NO.6

SECTION IV-C

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 8697/2020

(Arising out of impugned final judgment and order dated 20-02-2020 in AA No. 8/2017 passed by the High Court Of M.p Principal Seat At Jabalpur)

M/S MSP INFRASTRUCTURE LIMITED

Petitioner(s)

VERSUS

MADHYA PRADESH ROAD DEVELOPMENT CORPORATION

Respondent(s)

(IA No. 101340/2020 - VACATING STAY)

Date : 17-08-2022 These matters were called on for hearing today.

CORAM : HON'BLE MS. JUSTICE INDIRA BANERJEE  
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s) Mr. Ranjit Kumar, Sr. Adv .  
Ms. Anusuya Salwan, Adv.  
Mr. Bankim Garg, Adv.  
Ms. S. Janani, AOR

For Respondent(s) Mr. K.M. Nataraj, ASG  
Mr. Arjun Garg, AOR  
Mr. Shobhit Jain, Adv.  
Mr. Aakash Mandolia, Adv.  
Ms. Sagun Srivastava, Adv.

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

This special leave petition is against a judgment and order dated 20<sup>th</sup> February, 2020 passed by the division Bench of the High Court of Madhya Pradesh (Jabalpur) in Arbitration No. 8 of 2007 under Section 37 of the Arbitration and Conciliation Act, 1996 preferred by the respondent-Madhya Pradesh Road Development Corporation Limited (MPRDC).

By the judgment and order impugned, the High Court allowed the appeal and remanded the application filed by the respondent-MPRDC under Section 34 of the Arbitration and Conciliation Act, 1996 to the Commercial Court for rehearing.

On a perusal of the impugned judgment and order, it appears that the Arbitral Tribunal found that the issues urged by the respondent-MPRDC had not been properly considered and, in any case, the findings were not supported by reasons.

We have heard Mr. Ranjit Kumar, learned senior counsel appearing on behalf of the petitioner and Mr. K.M. Nataraj, learned Additional Solicitor General, appearing on behalf of the respondent-MPRDC.

We need not elaborately discuss our reasons for upholding the direction given by the High Court by its impugned judgment and order, lest the Commercial Court should be swayed by any observations made by us. Suffice it to mention that there was some justification in the contention of Respondent-MPRDC that all the contentions raised by Respondent-MPRDC in attacking the impugned award and particularly the award in relation to the counter-claim made by the respondent-MPRDC had not properly been considered by the Commercial Court. We, therefore, do not interfere with the impugned judgment and order of the division Bench of the High Court.

Considering that the matter has been pending for a long time

and there is an award in favour of the petitioner of a huge amount of Rs.5/6 crores, we direct the Commercial Court to positively rehear and dispose of the application under Section 34 of the Arbitration and Conciliation Act within three months from the date of communication of this order.

The special leave petition is, accordingly, dismissed.

Needless to mention that the Commercial Court shall proceed in accordance with law without being influenced by any observations made by this Court or the Division Bench of the High Court.

Pending applications, if any, stand disposed of accordingly.

(GULSHAN KUMAR ARORA)  
AR-CUM-PS

(MATHEW ABRAHAM)  
COURT MASTER (NSH)