

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5220 of 2017

(Arising out of SLP(C)No.13995 of 2016)

REVA INDUSTRIES LTD.

Appellant(s)

VERSUS

PRATIBHA INDUSTRIES LTD.

Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for the parties.

Award in favour of the appellant has been quashed by the High Court on the ground that the respondent did not have an opportunity to defend its case before the Arbitrator.

It has been pointed out that the issue whether opportunity was given to the respondent before the Arbitrator was a matter which had to be gone into while deciding the objections under Section 34 of the Act. Since the respondent did not make the requisite deposit under Section 18 of MSMED Act before the Haryana Micro and Small Enterprise Facilitation Council (HMSEFC), the objections of the respondent could not have been considered.

We find merit in the contention. Accordingly, we direct that if the respondent deposits requisite amount within one week from today, the trial court may go into the objections of the respondent and take a decision thereon in accordance with law.

The parties are directed to appear before the trial court for further proceedings on Monday, the 1st May, 2017.

We make it clear that if the amount is not deposited within the stipulated time, the objections of the respondent shall stand rejected and the Award will become executable.

The appeal is accordingly allowed in above terms.

Pending applications, if any, shall also stand disposed of.

.....J.
(ADARSH KUMAR GOEL)

.....J.
(UDAY UMESH LALIT)

New Delhi,
April 13, 2017.

ITEM NO.63

COURT NO.13

SECTION IVB

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). 13995/2016

(Arising out of impugned final judgment and order dated 03/03/2016
in FAO No. 1382/2016 passed by the High Court Of Punjab & Haryana
At Chandigarh)

REVA INDUSTRIES LTD.

Petitioner(s)

VERSUS

PRATIBHA INDUSTRIES LTD.

Respondent(s)

Date : 13/04/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE UDAY UMESH LALITFor Petitioner(s) Mr. Sanjay Joshi,Adv.
Mr. Arvind Minocha,Adv.
Ms. Veena Minocha,Adv.For Respondent(s) Mr. S.S. Ray,Adv.
Mr. Vishal P.,Adv.
Ms. Rakhi Ray,Adv.
Mr. Vaibhav Gulia,Adv.
Mr. T. Mahipal,Adv.UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

In terms of the signed order, the appeal is allowed.

(MAHABIR SINGH)
COURT MASTER(VEENA KHERA)
COURT MASTER

(Signed order is placed on the file)