

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS..... OF 2017
(@SLP (C) Nos.18519-18520 of 2017)

STEEL AUTHORITY OF INDIA LTD.

APPELLANT

VERSUS

AMIYA STEEL PRIVATE LIMITED

RESPONDENT

O R D E R

Leave granted.

The appellant before us is aggrieved by the impugned judgment dated 03.05.2017 passed by the Calcutta High Court from an Order that has been passed by a Single Judge on 30.03.2017 condoning the delay in filing an application under Section 34 of the Arbitration and Conciliation Act.

Mr. Ranjit Kumar, learned Solicitor General has brought to our notice both Section 37 of the Arbitration and Conciliation Act and a recent judgment in "Union of India Vs. M/s. Simplex Infrastructures Ltd." reported in (2017) 5 SCALE 76.

Mr. Gourab K. Banerji, learned Senior Counsel appearing on behalf of the respondent, when faced with this judgment found that it was very difficult to support the impugned judgment.

Accordingly, we set aside the impugned judgment on the ground that the appeal before the High Court was not maintainable under

Section 37 of the Arbitration and Conciliation Act and relegate the respondent to the Section 34 proceedings to ask for interim orders therein.

With these observations, the present appeals are allowed.

.....J.
[ROHINTON FALI NARIMAN]

.....J.
[SANJAY KISHAN KAUL]

New Delhi
July 28, 2017

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).

18519-18520/2017

(Arising out of impugned final judgment and order dated 03-05-2017 in APO No. 258/2017 03-05-2017 in AP No. 555/2010 passed by the High Court of Calcutta)

STEEL AUTHORITY OF INDIA LTD.

Petitioner(s)

VERSUS

AMIYA STEEL PRIVATE LIMITED

Respondent(s)

(FOR ADMISSION and I.R. and IA No.56294/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 28-07-2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr. Ranjit Kumar, SG
 Mr. Sunil Kumar Jain, AOR
 Mr. Kaushik Choudhury, Adv.
 Mr. Punya Garg, Adv.
 Mr. Abhishek Jain, Adv.

For Respondent(s) Mr. Gourab K. Banerji, Sr. Adv.
 Mr. Pinaki Addy, Adv.
 Mr. Shailendra Jain, Adv.
 Mr. Chira Ranjan Addy, AOR
 Mr. Sahil Tagotra, Adv.

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

Leave granted.

Appeals are allowed in terms of the Signed Order.

Pending application(s), if any, stands disposed of.

(RASHI GUPTA)
SENIOR PERSONAL ASSISTANT

(SAROJ KUMARI GAUR)
BRANCH OFFICER

[SIGNED ORDER IS PLACED ON THE FILE]