

ITEM NO.4

COURT NO.5

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). 3499/2019

(Arising out of impugned final judgment and order dated 10-10-2018 in ARB No. 13/2018 passed by the High Court Of Chhattisgarh At Bilaspur)

M/S SOUTH EASTERN COALFIELDS LIMITED &amp; ANR.

Petitioner(s)

VERSUS

M/S SHRIKISHAN AND CO. ENGINEER AND CONTRACTOR &amp; ANR. Respondent(s)

(FOR ADMISSION and IA No.19362/2019-EXEMPTION FROM FILING O.T.)

Date : 11-11-2022 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.R. SHAH  
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s) Ms. Maninder Acharya, Sr. Adv.  
Mr. Tarkeshwar Nath, Adv.  
Mr. Lalit Mohan, Adv.  
Mr. Viprav Acharya, Adv.  
Mr. Virat Saharan, Adv.  
Mr. Harshit Singh, Adv.  
Mr. Rameshwar Prasad Goyal, AOR

For Respondent(s) Mr. Anukulraj, Adv.  
Mr. Abhinav Shrivastava, AOR  
Ms. Nikita Raj, Adv.  
Mr. Varun Amar, Adv.  
Ms. Deepti Gupta, Adv.

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

Having heard Ms. Maninder Acharya, learned Senior Advocate, appearing for the petitioners and having gone through the impugned judgment and order passed by the High Court dismissing the application under Section 11(6) of the Arbitration and Conciliation Act, 1996 and considering the fact that, at the relevant time, when the Award was declared, there was no counter claim and/or claim

made by the petitioners, may be because at the relevant time, the suit was filed by the petitioners, there cannot be any second 11(6) application and as rightly observed by the High Court, the petitioners ought to have raised the claim at the relevant time and fresh application now would virtually affect the Award passed by the Arbitrator. No case is made out to interfere with the impugned judgment and order passed by the High Court.

The Special Leave Petition stands dismissed.

Pending application stands disposed of.

(R. NATARAJAN)  
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)  
ASSISTANT REGISTRAR