

STATE OF MADHYA PRADESH AND ANR.

A

v.

M/S. KETI CONSTRUCTION

(Civil Appeal No. 4016 of 2018)

APRIL 18, 2018

B

[ADARSH KUAMR GOEL AND R. F. NARIMAN, JJ.]

Madhya Pradesh Madhyastham Adhikaran Adhiniyam, 1983:

*Revision petition – Dismissed by High Court – Propriety of –
Held: Since the *Va Tech case (on which the High Court had relied
on) has been overruled, order of High Court is set aside – Matter
remanded to High Court.*

C

*Madhya Pradesh Rural Road Development Authority
and Anr. v. L.G. Chaudhary Engineers and Contractors
(2012) 2 SCC 495 : [2012] 2 SCR 162 – relied on.*

D

**Va Tech Escher Wyass Flovel Ltd. v. MPSE Board &
Another [2011] 13 SCC 261 – Stood overruled.*

Case Law Reference

[2012] 2 SCR 162 relied on Para 3

E

(2011) 13 SCC 261 stood overruled Para 3

CIVIL APPELLATE JURISDICTION: Civil Appeal No. 4016
of 2018.

From the Judgment and Order dated 13.08.2010 of the High Court
of Madhya Pradesh at Jabalpur in Civil Revision No. 509 of 2005.

F

Saurabh Mishra, AAG, Jugal Kishore Gilda, Purushaindra Kumar,
Advs. General, Naman Nagrath, Neeraj Kishan Kaul, Parag Triathi,
Ms. Kiran Suri, Sr. Advs., Harsh Parashar, Jubin Prasad, Aman Pandey,
Jasdeep S. Dhillon, Prabhat K. Chaurasia, Ms. Renuka Sahu, Jay Savla,
Amar Varun, Shantanu Krishna, Ms. Anusuya Salwan, Dhurav Mishra,
Divyanshu Kumar Srivastav, Akash Lamba, Viren Sibal, Vivekananda
B., Vikas Sood, Apporv Kurup, Ms. Isha Mital, Dr. Harsh Pathak,
Ms. Shweta Mahajan, Mohit Chaubey, Siddharth Shukla, Neeraj Shekhar,
Arjun Garg, Mishra Saurabh, Sridhar Potaraju, Sudhir Mishra, Prabhat

G

H

- A Kumar, Ms. Petal Chandok, Ms. Ankita Sharma, Rishabh, M.R. Shamshad, Aditya Samaddar, B. S. Banthia, Ms. Swarupama Chaturvedi, Saurabh S. Sinha, Aditya Dev Triguna, Sunil Singh Parihar, M/S. AP & J Chambers, Prafulla Kumar Behera, Manish K. Bhardwaj, S. S. Nehra, Ms. Anuradha Mishra, Ms. Vanshaja Shukla, Varun Mohan, Swastik Singh, Arjun Garg, Manish Yadav, Ms. Swarupama Chaturvedi,
- B B.N. Dubey, Ms. Devika Gulati, Hitendra Nath Rath, Mayank Kshirsagar, Pavesh Joshi, Chavu Ambwani (For M/S. AP & J Chambers), Jay Savla, B. K. Satija, Sumit Attri, K. Krishna Kumar, Hitendra Nath Rath, Nilava Bandyopadhyay, Rahul Pandey, Advs. for the appearing parties.

C The following Order of the Court was delivered:

ORDER

1. Delay condoned. Leave granted.
2. We have learned counsel for the parties and perused the record.
3. It is not disputed by learned counsel for the parties that in view of judgment of this Court in Madhya Pradesh Rural Road Development Authority and Anr. v. L.G. Chaudhary Engineers and Contractors, (2012) 3 SCC 495 which has overruled the judgment of this Court in Va Tech Escher Wyass Flovel Ltd. v. MPSE Board & Another, (2011) 13 SCC 261, the impugned order has to be set aside and the matter remanded to the High Court which may decide the dispute between the parties in the revision petition filed by the respondent in accordance with law. Ordered accordingly. Civil Revision NO.509 of 2005 is restored to its original number.
4. The appeal is disposed of.
5. The parties may appear before the High Court for further proceedings on 9th July, 2018.