

MADHYA PRADESH RURAL ROAD DEVELOPMENT
AUTHORITY AND ANR.

A

v.

BACKBONE ENTERPRISES LIMITED AND ANR.

(Civil Appeal No. 4012 of 2018)

B

APRIL 18, 2018

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

Madhya Pradesh Madhyastham Adhikaran Adhiniyam, 1983:

*Jurisdiction of Arbitration Tribunal – Held: Since the *Va Tech case had been overruled, jurisdiction to deal with the dispute is vested with the Arbitration Tribunal constituted under the Act – Impugned order is set aside.*

C

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

D

Case Law Reference

(2011) 13 SCC 261 Stood overruled Para 2

CIVIL APPELLATE JURISDICTION: Civil Appeal No. 4012 of 2018.

E

From the Judgment and Order dated 11.05.2011 of the High Court of Madhya Pradesh at Indore in Arbitration Case No. 7 of 2011.

WITH

Civil Appeal Nos. 4013 and 4014 of 2018.

F

Saurabh Mishra, AAG, Jugal Kishore Gilda, Purushaindra Kumar, Advs. Gen., 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 Kumar, Ms. Petal Chandok, Ms. Ankita Sharma, Rishabh,

G

H

- A M. R. Shamsbad, 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, Manish Yadav, Ms. Swarupama Chaturvedi, B.N. Dubey, Ms. Devika Gulati, Hitendra Nath Rath, Mayank Kshirsagar, Pavesh B Joshi, Chavu Ambwani (For M/S. AP & J Chambers), B. K. Satija, Sumit Attri, K. Krishna Kumar, Hitendra Nath Rath, Nilava Bandyopadhyay, Rahul Pandey, Advs. for the appearing parties.

The following Order of the Court was passed:

C **ORDER**

1. Delay condoned. Leave granted.
2. In view of judgment of this Court in Va Tech Escher Wyass Flovel Ltd. v. MPSE Board & Another, (2011) 13 SCC 261 having been overruled, the jurisdiction to deal with the dispute in question is vested with the M.P. Arbitration Tribunal constituted under the M.P. Madhyastham Adhikaran Adhinyam, 1983. The direction in the impugned order under Section 11 of the Arbitration and Conciliation Act, 1996 is set aside.
3. The appeals are disposed of.
- E 4. The respondent will be at liberty to take their remedy before the statutory Tribunal in accordance with law.
5. The parties may appear before the M.P. Arbitration Tribunal for further proceedings on 9th July, 2018.
- F 6. The appellant may serve a copy of this order on the respondents.