

STATE OF MADHYA PRADESH & ANR.

A

v.

ASHOKA INFRAWAYS LTD. & ANR.

(Civil Appeal No. 4018 of 2018)

APRIL 18, 2018

B

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

Madhya Pradesh Madhyastham Adhikaran Adhiniyam, 1983:

Jurisdiction of Arbitration Tribunal – Held: Judgment relied upon in the impugned judgment is overruled by larger Bench of High Court – Hence, impugned order set aside – Appeal allowed.

C

Viva Highways Ltd. vs. Madhya Pradesh Road Development Corporation **2017 (2) MPLJ 681 – approved.**

Case Law Reference

D

2017 (2) MPLJ 681 approved Para 2

CIVIL APPELLATE JURISDICTION: Civil Appeal No. 4018 of 2018.

From the Judgment and Order dated 04.02.2016 of the High Court of Madhya Pradesh Bench at Indore in Arbitration Appeal No. 11 of 2015.

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Saurabh Mishra, AAG, Jugal Kishore Gilda, Purushendra 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, 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

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A Singh, Arjun Garg, Manish Yadav, Ms. Swarupama Chaturvedi, B.N. Dubey, Ms. Devika Gulati, Hitendra Nath Rath, Mayank Kshirsagar, Pavesh 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.

B The following Order of the Court was passed:

ORDER

1. Leave granted. Heard learned counsel for the parties.

C 2. It is not disputed that the judgment relied upon in the impugned order has since been overruled by a larger bench of the High Court in Viva Highways Ltd. vs. Madhya Pradesh Road Development Corporation reported in 2017 (2) MPLJ 681. Accordingly, the impugned order is set aside and the appeal is allowed.

D 3. It is made clear that if any arbitration proceedings are pending, the same will now be governed by the above judgment of the High Court.

4. The appeal is disposed of.