

A MADHYA PRADESH RURAL ROAD DEVELOPMENT
AUTHORITY AND ANR.

v.

B BACKBONE ENTERPRISES LIMITED AND ANR.
(Civil Appeal No. 4011 of 2018)

APRIL 18, 2018

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

C *Madhya Pradesh Madhyastham Adhikaran Adhiniyam, 1983:*
Arbitration proceedings – Jurisdiction of Arbitration Tribunal
– Held: *Va Tech case on which the impugned order had relied on,
had since been overruled, the impugned order is set aside – Matter
is remanded to Arbitration Tribunal to decide the case on merit.

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

Case Law Reference

(2011) 13 SCC 261 Stood overruled Para 2

E CIVIL APPELLATE JURISDICTION: Civil Appeal No. 4011 of
2018.

From the Judgment and Order dated 29.11.2010 of the High Court
of Madhya Pradesh at Indore in W. P. No. 7105 of 2010.

WITH

F Civil Appeal No. 4015 of 2018.

G 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,
H 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,

H

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, 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. or the appearing parties.

A

B

The following Order of the Court was passed:

ORDER

C

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 and as the High Court has relied on Judgment in C.R. NO.353 of 2004, Mahesh Chandra Garg v. State of M.P. and Ors. decided on 23.2.2010 which was based on Va Tech (supra), the impugned order is set aside and the matter is remanded to the M.P. Arbitration Tribunal so that the said Tribunal can deal with the matter on merits in accordance with law.

D

3. The appeals are disposed of.

E

4. The parties may appear before the Tribunal for further proceedings on 9th July, 2018.

5. The appellant may serve a copy of this order on the respondents.

F