

A STATE OF CHHATTISGARH AND ANR.

v.

M/S. KMC CONSTRUCTION LIMITED

(Civil appeal No. 4257 of 2018)

B APRIL 18, 2018

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

*Madhya Pradesh Madhyastham Adhikaran Adhiniyam, 1983:*

C *Jurisdiction of Arbitration Tribunal – Held: The Arbitration Tribunal constituted under the Act has the exclusive jurisdiction to deal with the dispute in question – Impugned direction set aside – Matter relegated to the Arbitration Tribunal constituted under the Act.*

D *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.*

**Case Law Reference**

**[2012] 2 SCR 162      relied on      Para 3**

E CIVIL APPELLATE JURISDICTION: Civil Appeal No. 4257 of 2018.

From the Judgment and Order dated 10.07.2018 of the High Court of Chhattisgarh at Bilaspur in Arbitration Application No. 44 of 2016.

WITH

F C. A. Nos. 4258 and 4259 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, 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

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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, 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.

The following Order of the Court was passed:

**ORDER**

1. Delay condoned. Leave granted.
2. We have heard learned counsel for the parties and perused the record.
3. 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 and the order passed by this Court on 8<sup>th</sup> March, 2018 in the same matter, the M.P. Arbitration Tribunal constituted under the M.P. Madhyastham Adhikaran Adhiniyam, 1983, (M.P. Act) has the exclusive jurisdiction to deal with the dispute in question. Accordingly, the impugned direction under Section 11 of the Arbitration and Conciliation Act, 1996 cannot be sustained and is set aside.
4. The parties are relegated to M.P. Arbitration Tribunal which may decide the dispute as per provisions of M.P. Madhyastham Adhikaran Adhiniyam, 1983 (M.P. Act).
5. The appeals are disposed of.
6. The parties may appear before the Tribunal for further proceedings on 9<sup>th</sup> July, 2018.
7. It will be open to the respondents to file the very same claim which has already been filed before the Arbitrator.

Kalpana K. Tripathy

Appeals disposed of.

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