

REPORTABLE**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO(S). 4250 OF 2018
(Arising out of SLP (C) No(s).24172 of 2017)

**M/S ESSEL INFRA PROJECTS LTD.
THROUGH ITS AUTHORIZED REPRESENTATIVE**

APPELLANT(S)

VERSUS

**STATE OF MADHYA PRADESH
ACTING THROUGH ITS DIRECTOR**

RESPONDENT(S)

O R D E R

1. We have heard learned counsel for the parties. Leave granted only to consider whether any direction is required for timeliness in disposal of proceedings under the M.P. Madhyastham Adhikaran Adhiniyam, 1983 (M.P. Act, 1983).

2. Sh. Parag Tripathi, learned senior counsel for the appellant submitted that as at present the Tribunal proceedings under the M.P. Act, 1983 take upto five years and sometime even more. Learned counsel for the State does not dispute that it is so happening in some cases.

3. Having regard to the object of the legislation which is to provide speedy dispute resolution mechanism, the State must monitor timeliness so that arbitration

proceedings do not take unduly long time. One to two years may, in our view, be taken as reasonable time for the purpose.

4. Having regard to the realistic assessment which may be made from time to time, such number of Benches may be set up as may effectuate this object. The Chairman of the Tribunal must also ensure that no unreasonable delay takes place. As and when the Chairman thinks that there is dearth of Benches, the Chairman must communicate the same to the State Government and the State Government must forthwith take a call thereon. If it is found that in spite of these directions, the speedy disposal of proceedings is not taking place, it will be open to either parties to move the Chief Justice of High Court who may look into the matter and issue such directions as may be considered necessary in this regard.

5. We may also mention that decision at the original level is not enough if proceedings are thereafter held up in revision proceedings before the High Court. Such revision petition must be disposed of expeditiously but not beyond two years.

6. Though the above timelines are not mandatory, same must be kept in mind by all concerned and attention of Chief Justice of the High Court must be drawn if such

timelines are not followed so that the Chief Justice may take such steps as may be possible in the matter. In case it is found that timelines as contemplated cannot be achieved, statutory amendments be considered so as to provide remedies at any other appropriate forum. In this connection reference may be made to the judgment of this Court dated 28.03.2018 in Criminal Appeal No.470 of 2018 titled "Krishnakant Tamrakar Vs. State of Madhya Pradesh".

7. The appeal is disposed of with the above directions.

.....J.
[ADARSH KUMAR GOEL]

.....J.
[ROHINTON FALI NARIMAN]

NEW DELHI
19th April, 2018

ITEM NO.14

COURT NO.11

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 16686/2010

(Arising out of impugned final judgment and order dated 10-02-2010 in AC No. 9/2009 10-02-2010 in AC No. 9/2009 passed by the High Court Of M.p Principal Seat At Jabalpur)

AJAY KUMAR OJHA

Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH PRINCIPAL SECRETARY Respondent(s)

([ONLY D.NO. 23685/2017 AND SLP(C)NO.24172/2017 IS LISTED TODAY])

WITH

Diary No(s). 23685/2017 (IV-A)

(IA No.13117/2018-CONDONATION OF DELAY IN FILING and IA No.13118/2018-CONDONATION OF DELAY IN REFILING and IA No.13121/2018-PERMISSION TO FILE SLP/TP)

SLP(C) No. 24172/2017 (IV-A)

(IA No.133003/2017-CONDONATION OF DELAY IN REFILING In Connected Case D.N.31949/2017 and IA No.133002/2017-CONDONATION OF DELAY IN FILING In Connected Case D.N.31949/2017 and IA No.133000/2017-CONDONATION OF DELAY IN REFILING In Connected Case D.N.31949/2017 and IA No.132999/2017-CONDONATION OF DELAY IN FILING In Connected Case D.N.31949/2017 and FOR ADMISSION and IA No.89669/2017-EXEMPTION FROM FILING O.T.)

Date : 19-04-2018 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s) Mr. Parag Tripathi, Sr. Adv.
Mr. Prabhat Kumar, Adv.
Mr. Sridhar Potaraju, AOR
Mr. Sudhir Mishra, Adv.
Ms. Petal Chandok, Adv.
Mr. Prabhat Kumar, Adv.
Ms. Sindoor VNL, Adv.
Ms. Ankita Sharma, Adv.
Mr. Rishabh, Adv.
Mr. Udai Khanna, Adv.
Mr. Rishabh Kapur, Adv.

Mr. Neeraj Kishan Kaul, Sr. Adv.
 Ms. Anusuya Salwan, Adv.
 Mr. Vikas Sood, Adv.
 Mr. Harsh Parashar, AOR
 Mr. Bhuvan Mishra, Adv.
 Mr. Divyanshu Kumar Srivastava, Adv.
 Mr. Viven Sibal, Adv.
 Mr. Vivekananda Bommineni, Adv.
 Mr. Akash Lamba, Adv.
 Mr. Aman Pandey, Adv.

For Respondent(s) Mr. Purushuindra Kaurav, Adv.
 Mr. Mishra Saurabh, Adv.
 Mr. B.N. Dubey, Adv.
 Ms. Devika Gulati, Adv.
 Ms. Anuradha Mishra, Adv.
 Ms. Swarupama Chaturvedi, AOR

Mr. K. Krishna Kumar, AOR

UPON hearing the counsel the Court made the following
 O R D E R

Diary No(s). 23685/2017:

Permission to file special leave petition is granted.

Delay condoned.

Heard learned counsel for the petitioner and perused the record.

We do not find any ground to interfere with the impugned order. The special leave petition is, accordingly, dismissed.

Pending applications, if any, are also stand disposed of.

C.A. No.4250 of 2018 @ SLP(C) No. 24172/2017:

Leave granted.

Delay condoned.

The appeal is disposed of with certain directions in terms of the signed order.

Pending applications, if any, are also stand disposed of.

(SWETA DHYANI)
 SENIOR PERSONAL ASSISTANT

(SAROJ KUMARI GAUR)
 BRANCH OFFICER

(Signed reportable order is placed on the file)