

ITEM NO.5

COURT NO.1

SECTION XVII

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

MISCELLANEOUS APPLICATION Diary No.40832/2023

(Arising out of impugned final judgment and order dated 20-08-2019  
in C.A. No.8248/2016 passed by the Supreme Court of India)

BKB TRANSPORT PVT. LTD. DIRECTOR

Petitioner(s)

VERSUS

BHARAT COKING COAL LTD. & ORS.

Respondent(s)

(With IA No.203662/2023 - APPROPRIATE ORDERS/DIRECTIONS)

WITH Diary No.40866/2023 (XVII)

(With IA No.204221/2023 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 19-02-2024 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE J.B. PARDIWALA  
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. Sumeet Gadodia, Adv.  
Mr. Kaushik Poddar, AOR  
Ms. Janvi Moondhra, Adv.  
Mr. Akash Dalal, Adv.

MA D.40866/2023 Mr. Devashish Bharuka, Sr. Adv.  
Ms. Sarvshree, AOR  
Ms. Swati Mishra, Adv.

For Respondent(s)

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

- 1 Delay condoned.
- 2 Mr Devashish Bharuka, senior counsel and Mr Sumeet Gadodia, counsel appearing on behalf of the applicants submit that on 20 August 2019 a Bench of three-Judges of this Court had referred parties to arbitration. The sole arbitrator, Ms Justice G Rohini, former Chief Justice of the Delhi High Court conducted the arbitration proceedings and in an award dated 2 July 2023, came to the conclusion that she had no jurisdiction to adjudicate the disputes between the parties in the absence of an arbitration agreement.
- 3 Consequently, the miscellaneous applications seek revival of the civil appeals in which a reference to arbitration was made, *albeit* in the absence of an arbitration agreement.
- 4 Issue notice to the respondents, returnable in two weeks.
- 5 List the Miscellaneous Applications on 7 March 2024.

**(CHETAN KUMAR)**  
**A.R. -cum-P.S.**

**(SAROJ KUMARI GAUR)**  
**Assistant Registrar**