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

v.

STATE OF MADHYA PRADESH ACTING THROUGH ITS DIRECTOR

(Civil Appeal No. 4250 of 2018)

APRIL 19, 2018

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

Madhya Pradesh Madhyastham Adhikaran Adhiniyam, 1983:

Proceedings under – Time bound disposal of – Held: Since the object of the legislation is to provide speedy dispute resolution mechanism, State is required to monitor timeliness of the proceedings – One or two years may be taken as reasonable time for the purpose – Though this timeliness is not mandatory, but the same must be kept in mind by all concerned and attention of Chief Justice of High Court must be drawn if such timeliness is not followed – The Chief Justice may take steps as may be possible in the matter – In case it is found that timeliness as contemplated cannot be achieved, statutory amendments be considered so as to provide remedies at any other appropriate forum – Appeal disposed of.

Krishnakant Tamarakar v. State of Madhya Pradesh **2018 (6) SCALE 156 – referred to.**

Case Law Reference

2018 (6) SCALE 156	**referred to**	**Para 1**

CIVIL APPELLATE JURISDICTION: Civil Appeal No. 4250 of 2018.

From the Judgment and Order dated 05.05.2017 of the High Court of Judicature of Madhya Pradesh at Jabalpur in Arbitration Petition No. 27 of 2013.

Parag Tripathi, Neeraj Kishan Kaul, Sr. Advs., Prabhat Kumar, Sridhar Potaraju, Sudhir Mishra, Ms. Petal Chandok, Prabhat Kumar, Ms. Sindoora VNL, Ms. Ankita Sharma, Rishabh, Udai Khanna, Rishabh Kapur, Ms. Anusuya Salwan, Vikas Sood, Harsh Parashar, Bhuvan

A Mishra, Divyanshu Kumar Srivastava, Viven Sibal, Vivekananda Bommineni, Akash Lamba, Aman Pandey, Advs. for the Appellant.

Purushuindra Kaurav, Mishra Saurabh, B.N. Dubey, Ms. Devika Gulati, Ms. Anuradha Mishra, Ms. Swarupama Chaturvedi, K. Krishna Kumar, Advs. for the Respondent.

B The following Order of the Court was passed:

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 C 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 D 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.

E 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 F 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.

G 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.

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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.

Kalpana K. Tripathy Appeal disposed of.