

ITEM NO.104

COURT NO.11

SECTION XIIA

S U P R E M E C O U R T O F
R E C O R D O F P R O C E E D I N G S

I N D I A

Civil Appeal No(s). 6163/2005

M/S. ENGINEERING PROJECTS (INDIA) LTD.

Appellant(s)

VERSUS

M/S. SINGARENI COLLIERIES CO. LTD. & ORS

Respondent(s)

(with appln. (s) for permission to file lengthy list of dates and office report)

Date : 04/08/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAMAJIT SEN
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

For Appellant(s)

Mr. Maninder Singh, ASG
Mr. Vineet Bhagat, Adv.
Mr. Parul Bose, Adv.

For Respondent(s)

Mr. A. Mariarprutham, Sr. Adv.
Mr. Anurag Mathur, Adv.
Mr. Yusuf Khan, Adv.
Mr. P. Parmeswaran, Adv.UPON hearing the counsel the Court made the following
O R D E R

Appeal is disposed of in terms of the Signed Order.

(NEELAM GULATI)
COURT MASTER(SAROJ SAINI)
COURT MASTER

Signature Not Verified

(Signed Order is placed on the file)

Digitally signed by
Usha Rani Bhardwaj
Date: 2015.08.07
11:04:59 IST
Reason:

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6163 OF 2005

M/S. ENGINEERING PROJECTS (INDIA) LTD.

Appellant(s)

VERSUS

O R D E R

We have heard learned counsel for the parties. The Appellant had filed a Writ Appeal in the High Court of Judicature at Andhra Pradesh which came to be dismissed. However, it was clarified that the Impugned Order would not preclude the Appellant before the Division Bench to avail of such remedies as may be available to it in law. When the Special Leave Petition came up for consideration on 04th April, 2005, notice was issued limited only to why the parties should not be allowed to seek internal remedy before the Permanent Machinery of Arbitration (in short 'the PMA'). It has now been rightly pointed out by the learned ASG that by virtue of the Constitution Bench decision in Electronics Corporation of India Limited vs. Union of India 2011(3) SCC 404, in the penultimate paragraph, the Orders in ONGC-II, ONGC-III and ONGC-IV were recalled. The result is that it is no longer desirable or envisaged that the Public Sector Undertakings (in short 'the PSUs.') involved in an inter se legal dispute should first seek remedy from the PMA. The impact and consequence of this decision would be that the Special Leave Petition would be liable to be dismissed.

However, keeping the long pendency of the disputes in courts of law, and mindful of the Orders passed in the Rameshwarlal vs. Municipal Council, Tonk 1996(6)SCC 100 as well as in Indo Count Choongnam Employees Union vs. Registrar, Bombay Industrial Relations Act 2009(7)SCC 348, the course that commends itself to us, in the circumstances of the present case, is to permit the parties to initiate appropriate legal

proceedings, if so advised, within four weeks' from today. If litigation is initiated within this period, the period of limitation shall be deemed to have been extended for the aforesaid period under Section 14 of the Limitation Act, 1963.

Having considered all the complexities of the present dispute, it appears to us that the parties

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hereto should see the wisdom in imparting a quietus to their respective claims, which in any case would have to be resurrected after over a decade. Public money should not be wasted and dissipated on futile litigation by the PSUs.

The Appeal stand disposed of in the above term.

.....J
(VIKRAMAJIT SEN)

.....J
(SHIVA KIRTI SINGH)

NEW DELHI
August 04, 2015