

IT E M NO.4 2

COUR T NO.9

SEC T I O N IVA

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

Petition(s) for Special Leave to Appeal (Civil) No(s).5 3 5 5 / 2 0 0 7

(From the judgment and order dated 20 / 1 2 / 2 0 0 6 in AA No. 20 / 2 0 0 6 of The  
HIGH COUR T OF CHAT T I S G A R H AT BI L A S P U R )

M/S VIMA L CONS T R UC T I O N S

Petitioner(s)

VER SUS

STA T E GOVT.O F CHAT T I S G A R H &amp; AN R.

Respondent(s)

(With appln(s) for exemption from filing O.T. and with prayer for interim relief  
and office report)

Date: 03 / 1 1 / 2 0 0 8 This Petition was called on for hearing today.

CORAM :

HON' B L E MR. JUS T I C E DA L V E E R BHA N D A R I

HON' B L E MR. JUS T I C E HAR J I T SIN G H B E D I

For Petitioner(s) Mr. Sakesh Ku m a r, Adv.

Ms. K.V. B h a r a th i Upadhyaya, Adv.

For Respondent(s) Ms. Suparn a Srivastava, Adv.

Mr. Rajesh Srivastava, Adv.

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

The brief facts of the case are that the petitioner was  
awarded two contracts by the State Government of Chhatisgar h  
for which work orders were issued on 28. 1 . 2 0 0 2 and 2 1. 3 . 2 0 0 3 .  
As the petitioner did not complete the work on time, the  
Executive Engineer vide letters dated 1 2. 1 2 . 2 0 0 3 withdrew the  
work from the petitioner.

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The petitioner, after the contracts were rescinded,  
referred the disputes to the arbitration of Superintending  
Engineering on 3 0. 5 . 2 0 0 6 . The Superintending Engineer  
dismissed the same being time barred as the same was filed  
beyond the stipulated period as mentioned in the arbitration  
clause in the contract.

The order of the Superintending Engineer was challenged before the Chief Engineer, Project Implementation Unit, P r a d h a n Mantri Gra m Sara k Yojna. The matter is still pending before the Chief Engineer. However, pending decision before the Chief Engineer, the petitioner on 24.1.2006 filed an application under Section 9 of Arbitration and Conciliation Act, 1996 before the District Judge, Dhamthari, Chhattisgarh which was dismissed vide order dated 4.12.2006.

Aggrieved by the order of the learned District Judge, the petitioner filed an appeal before the High Court which was also dismissed vide order dated 20.12.2006.

In the counter-affidavit filed by the State of Chhattisgarh, it is submitted that after filing appeal before the Chief Engineer, the petitioner failed/neglected to appear before him and the appeal is pending for the last two years.

Learned counsel appearing for the petitioner submits that no date has been fixed in the appeal.

Without adjudicating on this factual controversy, we  
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direct the Chief Engineer to decide the appeal, filed by the petitioner, within a period of two months from the date of communication of this order. The parties are directed to appear before the Chief Engineer on 25.11.2008 at 11 A.M. in his office.

With these observations, the Special Leave Petition stands disposed of.

(Pardeep Kumar)  
Court Master

(Neeru Bal Vij)  
Court Master