

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.2462-2463 OF 2012

G.H.REDDY AND ASSOCIATES ENGINEERING
CONTRACTORS

... APPELLANT(S)

VS.

THE CHIEF ENGINEER KBJNL & ORS.

... RESPONDENT(S)

O R D E R

Heard the learned counsel appearing for the parties.

2. Notwithstanding the settled law, the Courts dealing with Section 34 petition under the Arbitration and Conciliation Act, 1996 (for short "1996 Act") as well as the appeal under Section 37 of the 1996 Act have purported to modify the Award. The chart which is a part of the convenience compilation shows that there were total 7 claims. Section 34 Court modified the Award as regards 3 claims. Further modification has been made by Section 37 Court. Thus, both the Courts have not abided by the limitations on exercise of powers under Section 34 of the 1996 Act.

3. Though the learned counsel appearing for the appellant tried his level best to persuade us to consider the merits of the Award, in the facts of the case, we are not inclined to do so, as it will involve examination of various factual details.

4. Therefore, we set aside the impugned judgment dated 28th June, 2010 and restore the Miscellaneous First Appeals to the file of the High Court of Karnataka, Kalaburgi Bench. Accordingly, MFA Nos.7558 and 7622 of 2005 are restored to the file of the High Court.

5. We direct the Registrar (Judicial) attached to the Kalaburgi Bench of the High Court of Karnataka to list the restored appeals before the concerned Division Bench on Monday, the 11th March, 2024 at 10.30 a.m. We direct the parties to remain present before the High Court on that day for fixing the schedule of hearing. As the restored MFAs are of the year 2005, the High Court is bound to give out-of-turn priority to the disposal of these appeals.

6. All questions in the appeals are left open to be decided by the Appellate Court.

7. The amount deposited by the appellant with the High Court shall continue to remain deposited in fixed deposit till the disposal of the appeals. The High Court, while disposing of the appeals, will pass appropriate order regarding withdrawal/disbursal of the said amount.

8. The appeals are partly allowed on the above terms.
9. There shall be no order as to costs.

.....J.
(ABHAY S.OKA)

.....J.
(UJJAL BHUYAN)

NEW DELHI;
February 21, 2024.

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

Civil Appeal No(s). 2462-2463/2012

G.H.REDDY AND ASSOCIATES ENGINEERING CONTRACTORS Appellant(s)

VERSUS

THE CHIEF ENGINEER KBJNL & ORS. Respondent(s)

([PART-HEARD BY : HON'BLE ABHAY S. OKA AND HON'BLE UJJAL BHUYAN,
JJ.] [IMMEDIATELY AFTER MISCELLANEOUS MATTERS ARE OVER])

Date : 21-02-2024 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Appellant(s)

Mr. Anirudh Krishnan, Adv.
Mr. Sriram Venkatavaradan, Adv.
Mr. Shiva Krishnan, Adv.
Mr. Mohit Sharma, Adv.
For M/S. Dua Associates, AOR

For Respondent(s)

Mr. Naveen R.Nath, Sr. Adv.
Mr. Rahul Jain, Adv.
Ms. Lalit Mohini Bhat, Adv.
Mr. Abhimanyu Verma, Adv.
Mr. Nirmal Prasad, Adv.
Ms. Hetu Arora Sethi, AORUPON hearing the counsel the Court made the following
O R D E RThe appeals are partly allowed in terms of the
signed order.Pending application, if any, also stands disposed
of.(ANITA MALHOTRA)
AR-CUM-PS(AVGV RAMU)
COURT MASTER

(Signed order is placed on the file.)