

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

Petition(s) for Special Leave to Appeal (Civil) No(s).13674-13675/2012

(From the judgement and order dated 19/01/2012 in WP No.6648/2010 dated 16/03/2012 in RP No.188/2012 of The HIGH COURT OF M.P AT JABALPUR)

SPML INFRA LTD. Petitioner(s)

VERSUS

MUNICIPAL CORP. OF BHOPAL & ORS. Respondent(s)

(With prayer for interim relief and office report)

Date: 07/05/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR  
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Petitioner(s) Mr. Bhagvati Prasad, Sr. Adv.  
Mr. Pawan Kr. Bansal, Adv.  
Mr. T. Mahipal, AOR

For Respondent(s)

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

The points raised in the special leave petition can also be raised before the learned Arbitrator under Section 16 of the Arbitration and Conciliation Act, 1996. In that way, the arbitration proceedings will be expedited, instead of being lengthened by the pendency of the matter before this Court.

Accordingly, while dismissing the special leave petition, we observe that the petitioner will be at liberty to raise all the objections that have been taken herein regarding the legality of the reference to the learned Arbitrator and if the question of jurisdiction is raised, the same is to be decided by the Arbitrator himself.

We also make it clear that the observations made by the High Court while appointing the learned Arbitrator, shall not, in any way, influence the outcome of the decision of the learned Arbitrator, while ruling on his own jurisdiction.

(Chetan Kumar)  
Court Master

(Juginder Kaur)  
Assistant Registrar