

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 8731 OF 2017

STATE OF MADHYA PRADESH & ORS. ... APPELLANT(S)

Versus

**M/S S.P. SINGLA CONSTRUCTION
PVT. LTD. THR. DIRECTOR ... RESPONDENT(S)**

WITH

CIVIL APPEAL NO. 8732 OF 2017

O R D E R

The instant appeals, by way of special leave, are directed against judgments dated 21.01.2013 and 06.02.2013 passed by the High Court of Madhya Pradesh at Jabalpur in Arbitration Revision No. 8 of 2012 [Civil Appeal No.8731 of 2017] and Arbitration Revision No. 7 of 2012 [Civil Appeal No. 8732 of 2017] respectively, whereby the High Court dismissed the petitions at the admission stage by holding that the dispute filed before the Tribunal was beyond the period of limitation as provided in sub-section(1) Clause (b) of Section 7-B of the M.P. Madhyasthan

Adhikaran Adhiniyam, 1983 (hereinafter referred to as the 'Adhiniyam'). Since the issues involved in the two appeals are identical, they are being taken up together.

The question of law raised in the instant appeals is whether the High Court committed an error by not appreciating the principle of law laid down in the State of Madhya Pradesh and another vs. Anshuman Shukla, (2014) 10 SCC 814 that Section 5 of the Limitation Act, 1963 has an application to the Adhiniyam.

Heard Mr. Saurabh Mishra, learned Additional Advocate General and Mr. Mrinal Gopal Elker, learned counsel appearing on behalf of the appellant – State of Madhya Pradesh in Civil Appeal No. 8731 of 2017 and Civil Appeal No. 8732 of 2017 and Mr. Raj Shekhar Rao, learned senior counsel and Mr. Vikas Upadhyay, learned counsel appearing on behalf of the respondent in Civil Appeal Nos. 8731 of 2017 and 8732 of 2017 respectively at length.

On a detailed consideration of the facts and the law relating to the present appeals, it is clear that the benefit of the relied upon decision will not be available to the appellant - State in the instant cases, in the facts arising herein. This is for the reason that, in the instant appeals, admittedly no application was filed under Section 5 of the Limitation Act despite the petition being

filed beyond time. Further, much water has flown under the bridge and the amount ordered has become payable and the same cannot be disputed. Since the awards in the present appeals are dated 28.02.2009 and 07.03.2009 respectively, it would attract interest from that date and would have left the parties to further litigation. Hence, when the matters were taken up on 16.02.2022, it was suggested to the counsel to work out a lumpsum amount in mutual interest and in the interest of the public exchequer. The details of the amount were brought to the notice of the Court today.

During the course of hearing, it is stated that the appellant – State is to pay to the respondents Rs.1.3 crores in Civil Appeal No. 8731 of 2017 and Rs.2.27 crore in Civil Appeal No. 8732 of 2017 as directed by the Tribunal *vide* awards dated 28.02.2009 and 07.03.2009 respectively. As approximately 13 years have elapsed since the awards were passed, if interest at 8% p.a. is calculated on the said amounts, it would amount to Rs.2.63 crores and Rs. 4.6 crores respectively.

Taking into consideration the facts and circumstances of the instant case, we direct the appellant – State to pay to the respondent(s) an amount of Rs. 2 crores in Civil Appeal No. 8731

of 2017 and Rs. 4 crores in Civil Appeal No. 8732 of 2017 respectively as a full and final settlement. Learned counsel for the respondent(s) submits that their clients are ready to receive the said sum of Rs.2 crores and Rs. 4 crores respectively as a full and final settlement of the award. Ordered accordingly.

The appellant - State is directed to pay the above-mentioned amounts to the respondent(s) within six weeks from the date of this order.

The appeals stand disposed of accordingly.

As a sequel to the above, pending interlocutory application also stands disposed of.

.....CJI.
(N. V. RAMANA)

.....J.
(A.S. BOPANNA)

.....J.
(HIMA KOHLI)

NEW DELHI;
FEBRUARY 17, 2022

ITEM NO.101

COURT NO.1

SECTION IV-C

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

Civil Appeal No(s).8731/2017

STATE OF MADHYA PRADESH & ORS.

Appellant(s)

VERSUS

M/S S.P. SINGLA CONSTRUCTION PVT.LTD. THR. DIRECTOR

Respondent(s)

WITH

C.A. No.8732/2017 (IV-C)

(FOR VACATING STAY ON IA 3/2016

IA No. 3/2016 - VACATING STAY)

Date : 17-02-2022 These appeals were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.S. BOPANNA
HON'BLE MS. JUSTICE HIMA KOHLI

For Appellant(s)

Mr. Saurabh Mishra, AAG
Mr. Sunny Choudhary, AOR
Mr. Akash Nandolia, Adv.
Mr. Abhimanyu Singh, Adv.

Mr. Mrinal Gopal Elker, AOR
Ms. Pratibha Yadav, Adv.

For Respondent(s)

Mr. Raj Shekhar Rao, Sr.Adv.
Ms. Aanchal Tikmani, Adv.
Ms. Liz Mathew, AOR

Mr. Vikas Upadhyay, AOR
Mr. Rajesh Kandari, Adv.

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

The appeals stand disposed of accordingly.

As a sequel to the above, pending interlocutory
application also stands disposed of.

(SATISH KUMAR YADAV)
DEPUTY REGISTRAR

(R.S. NARAYANAN)
COURT MASTER (NSH)

(Signed order is placed on the file)