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SLP(C)No. 14782 OF 1999

ITEM No.204

Court No.11

SECTION IX
A/N MATTER

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.14782/1999

(From the judgement and order dated 20/10/1997 in SCA 7225/97
of The HIGH COURT OF GUJARAT AT AHMEDABAD)

M/S. M.K.CONSTRUCTION, GUJARAT

Petitioner (s)

VERSUS

STATE OF GUJARAT

Respondent (s)

(With prayer for interim relief)
(With Appln(s). for c/delay in filing SLP)
(For Final Disposal)
With

SLP(C)No.8416/2000

Date : 20/07/2001 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.P. MOHAPATRA
HON'BLE MR. JUSTICE SHIVARAJ V. PATIL

For Petitioner (s) Mfr.MN Krishnamani,Sr.Adv.
Mr.Pankaj Kumar Singh,Adv.
Mr.JPN Gupta,Adv.
Mr. K. Janjani,Adv.

For Respondent (s) Mr.Yashank Adhyaru,Sr.Adv.
Mr.VD Khanna,Adv.
Ms.Nirmala Gupta,Adv.
Ms.Alka Aggarwal,Adv.for
M/s I.M. Nanavati Associates,Adv.

UPON hearing counsel the Court made the following
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Delay condoned.

Leave granted. Appeals are disposed of.

(Usha Bhardwaj)
P.S. to Registrar

(S.Malkani)
Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS..... OF 2001@@
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(Arising out of SLP(Civil)No.14782/99 & 8416/2000)

M/s M.K. Construction, Gujarat & Anr.Appellant

versus

State of GujaratRespondent

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Heard learned counsel for the parties.
Delay condoned.
Leave granted.

The short question that arises for our consideration is whether the Gujarat Public Works Contracts Disputes Arbitration Tribunal, Ahmedabad was justified in refusing to entertain the disputes raised by the appellant for adjudication on the ground of delay which order was confirmed by the High Court. On perusal of the relevant documents on record and on consideration of the submissions made by the learned counsel for the parties and taking note of the situation that the set of claims made by the State Government has been referred to the Tribunal in which also there was delay. We are inclined to take the view that the delay on the part of

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the appellant to raise the disputes before the Arbitration Tribunal should be condoned subject to payment of a consolidated sum of Rs.2,500/- as costs within a period of four weeks from today. On fulfilment of the condition, the Tribunal shall entertain the disputes raised by the appellant and dispose of the matter on merits expeditiously, if possible within a period of four months from the date of the receipt of the copy of this order.

In appeal arising out of SLP(C)No.8416/2000, the payment of Rs.2,500/- will be made within a period of four weeks from today.

We make it clear that this order is passed without prejudice to the rights and contentions of the parties on merits.

The appeals are disposed of accordingly.

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.....J.
(D.P. MOHAPATRA)

New Delhi,
July 20, 2001

.....J.
(SHIVARAJ V. PATIL)