

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A. NO.7/2015

IN

CIVIL APPEAL NO.6057 OF 2015

M/S GOKUL KRISHNA CONSTRUCTION P. LTD. & ANR APPELLANT(S)

VERSUS

STATE OF CHHATTISGARH & ORS.

RESPONDENT(S)

O R D E R

We had by our order dated 11.08.2015 disposed off C.A.No.6057/2015 with a direction that the Fixed Deposit Receipts furnished by the appellant company to the respondent-State in connection with the contract in question shall not be encashed pending disposal of the proceedings before the Arbitral Tribunal. While doing so, we had recorded the statement of Mr. Atul Sharma, learned counsel for the appellant company that the appellant company had already approached the Arbitral Tribunal constituted under the Madhya Pradesh Madhyasthan Adhikaran Adhiniyam, 1983 (Act of 1983) as extended to the State of Chhattisgarh. Mr.Sharma has now filed this application supported by an affidavit for modification of the said order. Mr.Sharma submits that the statement made by him that the appellant-company had already approached the Tribunal for redress was factually incorrect on account of a certain communication gap between him and his client.

He submits that although on the date of dismissal of the appeal the appellant had not approached the Tribunal as suggested yet the appellant has now approached the Tribunal for redress. This position is not disputed by learned counsel on the opposite who submits that the order may be clarified to the extent mentioned above with a request to the Tribunal to dispose off the arbitral proceedings expeditiously.

In the circumstances, therefore, we modify our order dated 11.08.2015 to the extent that the statement of Mr.Atul Sharma that the Arbitral Tribunal has already been approached by the appellant shall stand omitted from the said order. We also make it clear that since the appellant has now approached the Tribunal for redress the latter shall make an endeavour to expedite the disposal of the proceedings as far as possible within a period of six months from today.

I.A. No.7 of 2015 is disposed off in the above terms.

.....CJI.
[T.S.THAKUR]

.....J.
[A.M. KHANWILKAR]

NEW DELHI,
JULY 18, 2016

ITEM NO.6

COURT NO.1

SECTION IV

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
I.A. 7/2015 in Civil Appeal No(s). 6057/2015

M/S GOKUL KRISHNA CONSTRUCTION P. LTD. & ANR

Appellant(s)

VERSUS

STATE OF CHHATTISGARH & ORS.

Respondent(s)

(for modification of court's order dated 11.8.2015 and office report)

Date : 18/07/2016 This application was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR

For Appellant(s)

Mr. Atul Sharma, Adv.
Mr. Sarojanand Jha, Adv.
Mr. Yash Srivastava, Adv.
Mr. M.R. Shamshad, Adv.

For Respondent(s)

Mr. Jugal Kishore Gild, AG
(State of Chhattis- Mr. Aniruddha P. Mayee, Adv.
garh) Mr. A. Selvin Raja, Adv.

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

I.A. No.7 of 2015 is disposed off in terms of the signed order.

(Ashok Raj Singh)
Court Master

(Veena Khera)
Court Master

(Signed Order is placed in the file)