

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 5247-5248 OF 2007

State of Maharashtra and another ..Appellants

versus

M/s Ramdas Construction Co. and another ..Respondents

O R D E R

1. The appellants before this Court, in the first instance, impugned the award rendered by the Chief Engineer on 30.06.2005, by preferring an appeal before the District Judge, Nagpur. The District Judge, Nagpur, declined to entertain the appeal on merits, as he found the same barred by limitation, and as such, the application for condonation of delay was dismissed. The District Judge, Nagpur in his order dated 23.12.2005 recorded as under:

"17. In nut-shell, what emerges from the material placed on the record is that the applicants or in other words, party making application under Section 34" duly received the award on 4.7.2005, but approached this Court on 18.11.2005. Time in between 4.7.2005 and 18.11.2005 was consumed in taking administrative decision. Beyond statutory period of limitation of three months, further period of thirty days can be condoned, but not thereafter. On 4.11.2005, entire period of four months elapsed. In this view of the matter, this Court has no jurisdiction to entertain the application for condonation of delay and for that matter, application under Section 34 of the Act."

2. The order dated 23.12.2005 was assailed by the appellants before the High Court. Having remained unsuccessful, the appellants have approached this Court. The primary issue, that emerges for consideration is, whether the dismissal of the application filed by the appellants under Section 34 of the Arbitration and

Conciliation Act, 1996 (hereinafter referred to as the 'Arbitration Act'), by the District Judge, Nagpur, was justified in law.

3. So far as the issue in hand is concerned, having heard learned counsel for the rival parties, we are satisfied that on an earlier occasion, the same proposition came up for consideration before this Court, and stands declared by this Court in State of Himachal Pradesh vs. Himachal Techno Engineers (2010) 12 SCC 210. In view of the legal position declared by this Court, on the subject of limitation under Section 34 of the Arbitration Act, we are of the view, that the order passed by the District Judge, Nagpur, calls for no interference.

4. In view of the above, we find no justification to interfere with the impugned orders passed by the High Court. The instant appeals are accordingly dismissed.

5. In view of the above, the bank guarantee submitted by the respondents before the District Judge, Nagpur, shall stand discharged. The respondents shall also be entitled to the release of the deposit made before the District Judge, Nagpur, together with accrued interest, if any.

6. Disposed of in the above terms.

.....CJI
[JAGDISH SINGH KHEHAR]

.....J.
[Dr. D.Y. CHANDRACHUD]

NEW DELHI;
APRIL 12, 2017.

.....J.
[SANJAY KISHAN KAUL]

ITEM NO.104

COURT NO.1

SECTION IX

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). 5247-5248/2007

STATE OF MAHARASHTRA & ANR.

Appellant(s)

VERSUS

M/S RAMDAS CONSTRUCTION COMPANY & ANR.

Respondent(s)

(with appln. (s) for early hearing and office report)

Date : 12/04/2017 These appeals were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE SANJAY KISHAN KAULFor Appellant(s) Mr. S.M. Jadhav, Adv.
for Mr. Nishant Ramakantrao Katneshwarkar, AORFor Respondent(s) Mr. V. Giri, Sr. Adv.
Mr. Manish Pitale, Adv.
for Mr. Chander Shekhar Ashri, AORUPON hearing the counsel the Court made the following
O R D E RThe appeals are disposed of, in terms of the signed
order.(Renuka Sadana)
Assistant Registrar(Parveen Kumar)
AR-cum-PS

[signed order is placed on the file]