

M/S Sane Ingrastructure Pvt. Ltd Vs. M.P. Rural Road Development Authority

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Court : Madhya Pradesh

Decided On : Jun-25-2012

Appellant : M/S Sane Ingrastructure Pvt. Ltd

Respondent : M.P. Rural Road Development Authority

Advocate for Pet/Ap. : Shri. Abhijeet A. Awasthi

Judgement :

R.P.No.508/2012 25/06/2012 Shri Anuj Puri, learned counsel with Shri Abhijeet A. Awasthi, learned counsel for the applicant.

Shri Vipin Mishra, learned counsel for the Non- applicants.

Seeking review/ recall of an order passed by this Court on 9.12.2011 in Arbitration Case No.5/2011, this application is filed.

While disposing the application filed by the applicant under Section 11(6) of the Arbitration and Conciliation Act 1996 on 9.12.2011, this Court had made an observation while granting liberty to the applicant to approach the Arbitral Tribunal to the effect that the question of limitation shall be considered by the tribunal keeping in view the pendency of proceedings before this Court and the uncertain legal position with regard to jurisdiction at that point of time.

Grievance of the petitioner seems to be that the condonation of delay in the light of the observation made by this Court on 9.12.2011 in the proceedings under Section 11 of the Arbitration and Conciliation Act has not been granted by the Arbitration Tribunal, therefore, prayer made is to issue certain direction in this regard.

Having heard learned counsels for the applicant and the non-applicant, I am of the considered view the while exercising jurisdiction in a proceeding under Section 11 of the Arbitration and Conciliation Act, this Court has no jurisdiction to issue any direction to the Arbitration Tribunal, it can be done only in a proper proceedings but not in the proceedings under Section 11 of the Arbitration and Conciliation Act.

Keeping in view the aforesaid, no case is made out for review/ recall of the order passed.

Accordingly, granting liberty to the petitioner to proceed in the matter in accordance with law by resorting to the remedy, if any available, under the Arbitration and Conciliation Act or by filing a petition under Section 226/ 227 of the Constitution, this petition is disposed of.

With the aforesaid, the petition stands disposed of.

Certified Copy as per rules.

(Rajendra Menon) Judge nd

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