

Supreme Court - Daily Orders

Snehadeep Structures Pvt.Ltd. vs Maharashtra Small Scale ... on 27 February, 2019

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5662 OF 2007

SNEHADEEP STRUCTURES PVT. LTD.

Appellant(s)

VERSUS

THE MAHARASHTRA SMALL SCALE  
INDUSTRIES DEVELOPMENT CORPORATION LIMITED

Respondent(s)

O R D E R

The present appeal arises out of an interim Award dated 16.06.2005 and a final Award dated 09.08.2005 by the same Arbitrator. The learned Single Judge dismissed the petition filed under section 34 of the Arbitration and Conciliation Act, 1996(hereinafter referred to as Act), against the said Award. A Division Bench of the Bombay High Court dismissed the appeal filed under section 37 of the Act relying upon this Courts judgment in Assam Small Scale Industries Development Corporation Ltd. & Ors v. J.D. Pharmaceuticals & Anr. [(2005) 13 SCC 19].

Learned counsel have brought to our notice a recent judgment of this Court reported as M/s. Shanti Conductors (P)Ltd. & Anr. v. Assam State Electricity Board & Ors. [2019 Signature Not Verified Digitally signed by (1) SCALE 747] in which a three Judges Bench of this Court NIDHI AHUJA Date: 2019.03.02 11:35:19 IST Reason:

has overruled the Assam Case(supra). CIVIL APPEAL NO. 5662 OF 2007 This being the position, we set aside the judgment of the Division Bench and remand the appeal to be decided afresh on all points.

The appeal is allowed in the aforesaid terms.

., J. [ ROHINTON FALI NARIMAN ] ., J. [ SANJAY KISHAN KAUL ] New Delhi;

February 27, 2019.

CIVIL APPEAL NO. 5662 OF 2007 ITEM NO.103 COURT NO.6 SECTION IX S U P R E M E C O U  
R T O F I N D I A RECORD OF PROCEEDINGS Civil Appeal No. 5662/2007 SNEHADEEP  
STRUCTURES PVT.LTD. Appellant(s) VERSUS THE MAHARASHTRA SMALL SCALE  
INDUSTRIES DEVELOPMENT CORPORATION LIMITED Respondent(s) (With application for

impleadment) Date : 27-02-2019 This appeal was called on for hearing today. CORAM : HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN HON'BLE MR. JUSTICE SANJAY KISHAN KAUL For Appellant(s) Mr. Shyam Divan, Sr. Adv.

Mr. Vasuman Khandelwal, Adv. Mr. Shadan Farasat, AOR Ms. Shruti Narayan, Adv.

Ms. Jahnavi Sindhu, Adv.

For Respondent(s) Mr. Abhay Chandrakant Mahimkar, AOR Mr. Gaurav Agrawal, AOR Mr. George Thomas, Adv.

Mr. Anurag Gharote, Adv.

Mr. Pankaj Kr. Mishra, Adv.

Mr. A. S. Bhasme, Adv.

UPON hearing the counsel the Court made the following O R D E R The appeal is allowed in terms of the signed order. Application for impleadment stands disposed of.

(NIDHI AHUJA)  
COURT MASTER (SH)

(RENU DIWAN)  
ASSISTANT REGISTRAR

[Signed order is placed on the file.]