

HIGH COURT OF MADHYA PRADESH : JABALPUR

FULL BENCH - I (Time 10:30 AM)

Daily Cause List dated : 26-04-2017

BEFORE: HON'BLE SHRI JUSTICE S.K. SETH & HON'BLE SHRI JUSTICE SUJOY PAUL & HON'BLE SHRI JUSTICE JAGDISH PRASAD GUPTA

Court Room No.: 20

MOTION HEARING[ORDERS]

SN	Case No	Petitioner / Respondent	Petitioner/Respondent Advocate
1	AC 27/2013	M/S ESSEL INFRA PROJECTS LTD. Versus THE STATE OF MADHYA PRADESH ARBITRATION-10300 - Arbitration & Conciliation Act, 1996-10302 - SECTION 11 Relief - FOR APPOINTMENT OF ARBITRATOR {Fixed Date/SPC} FOR ORDERS ON FINAL HEARING QUESTION OF LAW- (I) WHETHER, ANY AGREEMENT BY WHATEVER NAME CALLED, IF IT FALLS WITHIN THE MEANING AND DEFINITION OF WORK CONTRACT AS DEFINED UNDER SECTION 2(I) OF M.P.MADHYASTHAM ADHIKARAN ADHINIYAM, 1983 HAS TO BE REFERRED FOR ADJUDICATION BEFORE THE M.P. ARBITRATION TRIBUNAL CONSTITUTED UNDER SECTION 3 OF THE 1983 ADHINIYAM?(II) WHETHER, IN VIEW OF STATUTORY PROVISIONS OF SECTION 7 OF THE ADHINIYAM OF 1983, THE MATTER HAS TO BE REFERRED TO THE M.P. ARBITRATION TRIBUNAL CONSTITUTED UNDER SECTION 3 OF THE 1983 ADHINIYAM, EVEN IN CASES WHERE THE PARTIES HAVE INCORPORATED A CLAUSE IN AGREEMENT REGARDING RESOLUTION OF DISPUTE BY SOME OTHER FORUM OR UNDER THE ARBITRATION AND CONCILIATION ACT, 1996?(III) WHICH OF THE VIEWS TAKEN BY THE DIVISION BENCH IN ASHOKA INFRAWAYS LIMITED IS CORRECT RELYING ON JABALPUR CORRIDOR (INDIA) PVT. LTD.?(IV) WHETHER, THE SUBSTITUTED DEFINITION OF WORK CONTRACT IN THE M.P. MADHYASTHAM ADHIKARAN ADHINIYAM, 1983 BY ACT NO. 7 OF 2017 IS CLARIFYING AND IS APPLICABLE TO THE PENDING OR FUTURE CONTRACTS?(V) ANY OTHER ANCILLARY ISSUES ARISING OUT OF THE REFERENCE ORDER.	J.K. VARMA, M.K. VERMA, SACHIN K. VERMA, PUSHPENDRA YADAV, P.S. CHAUHAN ADVOCATE GENERAL, PRATYUSH TRIPATHI, GAURAV TIWARI, R.P. GUPTA, ANURAG BUDHOLIYA (R-1)
1.1	Connected AC 79/2016	M/S TAPI PRESTRESSED PRODUCTS LTD. Versus MPRDC THROUGH THE MANAGING DIRECTOR ARBITRATION-10300 - Arbitration & Conciliation Act, 1996-10302 - SECTION 11 Relief - TO APPOINT A SOLE ARBITRATOR {Fixed Date/SPC} FOR FINAL HEARING AND IA NO.3183/2017-DOCUMENT TAKEN ON RECORD	SHEKHAR SHARMA, VARUN KUMAR AMAR, YOGENDRA SHARMA, SANJAY KUMAR PATEL, PALLAVI VERMA . SHRI GAURAV TIWARI[R-1], SHRI DHRUV VERMA[R-1], SHRI PRATYUSH TRIPATHI[R-1][R-2], RASHMI KAURAV[R-1], PURUSHAINDRAN KUMAR KAURAV[R-1], TABREZ SHEIKH[R-1], ASHISH KUMAR KURMI[R-1], PANKAJ RAJ AHIRWAR[R-1], MOHIT KESWANI[R-1], KAPIL DUGGAL[R-1], SHAIENDRA MISHRA[R-1], SIDDHARTHA SHARMA[R-1], SANJAY RUSIA[R-1]
1.2	Connected AA 14/2017	VIVA HIGHWAYS LTD. Versus MADHYA PRADESH ROAD DEVELOPMENT CORPORATION LIMITED COMMERCIAL COURTS-20600 - Commercial Courts, Commercial Division & Commercial Appellate Division of High Courts Act, 2015-20601 Relief - TO SET ASIDE THE IMPUGNED ORDER {Fixed Date/SPC} FOR FINAL HEARING	AKSHAY SAPRE, PARESH JOSHI . SURYA PRATAP SINGH RAI[CAVEAT], SANJAY RUSIA[CAVEAT], MOHIT KESWANI[R-1], KAPIL DUGGAL[R-1], PANKAJ RAJ AHIRWAR[R-1], ASHISH KUMAR KURMI[R-1], TABREZ SHEIKH[R-1], RASHMI KAURAV[R-1], PURUSHAINDRAN KUMAR KAURAV[R-1], SHAIENDRA MISHRA[R-1][R-1]

TOTAL CASES : 3 (with connected matters)

PR (J) / R (J-I) / R(J-II)