

SUPREME COURT OF INDIA

Essel Infra Projects Ltd.

Vs.

State of Madhya Pradesh

C.A.No.4250 of 2018

(Adarsh Kumar Goel and R.F.Nariman,JJ.,)

19.04.2018

ORDER

SLP (C)No.24172 of 2017

1. We have heard learned counsel for the parties. Leave granted only to consider whether any direction is required for timeliness in disposal of proceedings under the M.P. Madhyastham Adhikaran Adhiniyam, 1983 (M.P. Act, 1983).
2. Sh. Parag Tripathi, learned senior counsel for the appellant submitted that as at present the Tribunal proceedings under the M.P. Act, 1983 take upto five years and sometime even more. Learned counsel for the State does not dispute that it is so happening in some cases.
3. Having regard to the object of the legislation which is to provide speedy dispute resolution mechanism, the State must monitor timeliness so that arbitration proceedings do not take unduly long time. One to two years may, in our view, be taken as reasonable time for the purpose.
4. Having regard to the realistic assessment which may be made from time to time, such number of Benches may be set up as may effectuate this object. The Chairman of the Tribunal must also ensure that no unreasonable delay takes place. As and when the Chairman thinks that there is dearth of Benches, the Chairman must communicate the same to the State Government and the State Government must forthwith take a call thereon. If it is found that in spite of these directions, the speedy disposal of proceedings is not taking place, it will be open to either parties to move the Chief Justice of High Court who may look into the matter and issue such directions as may be considered necessary in this regard.
5. We may also mention that decision at the original level is not enough if proceedings are thereafter held up in revision proceedings before the High Court. Such revision petition must be disposed of expeditiously but not beyond two years.

6. Though the above timelines are not mandatory, same must be kept in mind by all concerned and attention of Chief Justice of the High Court must be drawn if such timelines are not followed so that the Chief Justice may take such steps as may be possible in the matter. In case it is found that timelines as contemplated cannot be achieved, statutory amendments be considered so as to provide remedies at any other appropriate forum. In this connection reference may be made to the judgment of this Court dated 28.03.2018 in Criminal Appeal No.470 of 2018 titled "Krishnakant Tamrakar Vs. State of Madhya Pradesh".

7.The appeal is disposed of with the above directions.