

2022 LiveLaw (SC) 345

IN THE SUPREME COURT OF INDIA

M.R. SHAH; B.V. NAGARATHNA, JJ.

Special Leave to Appeal (C) No(s). 5306/2022; 01-04-2022

M/S SHREE VISHNU CONSTRUCTIONS *VERSUS* THE ENGINEER IN CHIEF MILITARY ENGINEERING SERVICE & ORS.

Arbitration and Conciliation Act, 1996; Section 11 - The arbitration applications for appointment of an Arbitrator are required to be decided and disposed of at the earliest, otherwise the object and purpose of the Arbitration Act shall be frustrated. (Para 2)

Summary: Arbitration application decided and disposed of after a period of four years by Telangana High Court - Very sorry state of affairs - Registrar General of the High Court directed to submit a detailed report/statement pointing out how many Section 11 applications are pending before the High Court and from which year.

(Arising out of impugned final judgment and order dated 30-06-2020 in ARBA No. 151/2016 passed by the High Court for the State of Telangana at Hyderabad)

For Petitioner(s) Mr. K. Parameshwar, AOR Ms. A. Sregurupriya, Adv Mr. Prasad Hegde, Adv.

ORDER

By the impugned judgment and order, the High Court has dismissed/disposed of the Arbitration Application to appoint the Arbitrator, which was filed under Section 11 (5) of the Arbitration and Conciliation Act, 1996. The Application has been dismissed/disposed of in the year 2020.

It is very sorry state of affairs that the arbitration application under Section 11 has been decided and disposed of after a period of four years. The arbitration applications for appointment of an Arbitrator are required to be decided and disposed of at the earliest, otherwise the object and purpose of the Arbitration Act shall be frustrated. Even as per the amended Arbitration Act, the arbitration proceedings are required to be disposed of within one year. If the Section 11 application itself is not decided within one year, even the purpose and object of the amended Arbitration Act shall also be frustrated.

Under the circumstances, we direct the Registrar General of the High Court for the State of Telangana at Hyderabad to submit a detailed report/statement before this Court on or before the next date of hearing pointing out how many Section 11 applications are pending before the High Court and from which year. Such report to be submitted on or before 19.04.2022.

Put up on 21.04.2022 within first five matters.

The Registry is directed to communicate this order to the Registrar General of the High Court during the course of the day. The Registrar General of the High Court is directed to place this order before the Hon'ble Chief Justice of the High Court for the State of Telangana.