

ITEM NO.8

COURT NO.11

SECTION IV-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) No. 38327/2025

[Arising out of impugned final judgment and order dated 02-12-2025 in MCC No. 2699/2025 passed by the High Court of Madhya Pradesh Principal Seat at Jabalpur]

VIVA HIGHWAYS LTD

Petitioner(s)

VERSUS

MADHYA PRADESH ROAD DEVELOPMENT
CORPORATION LTD & ANR.

Respondent(s)

(IA No. 336009/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 336010/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 07-01-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KUMAR
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) :

Mr. Guru Krishna Kumar, Sr. Adv.
Mr. Sandeep Bajaj, Adv.
Mr. Soayib Qureshi, AOR
Ms. Chetna Alagh, Adv.

For Respondent(s) :

Mr. Saurabh Mishra, Sr. Adv.
Mr. Abhinav Shrivastava, AOR
Mr. Swastik Singh, Adv.
Mr. Shivang Rawat, Adv.
Mr. Hitesh Gupta, Adv.
Ms. Muskaan, Adv.

UPON hearing the counsel, the Court made the following
O R D E R

In the impugned order, reference was made by the High Court to the judgment of this Court in *Mohan Lal Fatehpuria vs. M/s. Bharat Textiles & Ors.*¹. However, the intention of this Court in the said

judgment, to which one of us (Sanjay Kumar, J.) was a party, was not to rewrite the provisions of Sections 29A(4), 29A(5) and 29A(6) of the Arbitration and Conciliation Act, 1996, and compel substitution of the arbitrator in every case of extension of the arbitrator's mandate. This is also clear from the fact that the earlier judgment of this Court in *Rohan Builders (India) Private Limited vs. Berger Paints India Limited*² was adverted to therein.

Issue notice, returnable on 06.02.2026.

Notice shall be served by all modes, including *dasti*.

Mr. Abhinav Shrivastava, learned counsel, who is present in Court, waives service and accepts notice on behalf of respondent No. 1. Hence, notice need not be served on the said respondent.

Notice upon the unrepresented respondent No. 2 shall be served by all modes, including *dasti*.

The High Court shall not proceed in the matter till the next hearing.

This case may be listed on the next date before the Bench comprising Sanjay Kumar, J., and Hon'ble Mr. Justice Alok Aradhe, after obtaining necessary orders from The Hon'ble the Chief Justice.

(DEEPAK GUGLANI)
AR-cum-PS

(PREETI SAXENA)
COURT MASTER (NSH)