

**IN THE SUPREME COURT OF INDIA
EXTRAORDINARY APPELLATE JURISDICTION**

Special Leave Petition (Civil) Nos 7669-7670 of 2024

Manbhupinder Singh Atwal

Petitioner

Versus

Neeraj Kumarpal Shah

Respondent

W I T H

Special Leave Petition (Civil) Nos 8264-8266 of 2024

ORDER

- 1 The Special Leave Petitions arise in rather peculiar circumstances. We hope earnestly that this does not reflect the trend in High Courts in other parts of the country as well.
- 2 A petition under Section 34 of the Arbitration and Conciliation Act 1996 was heard over twenty-three sittings. Judgment was reserved. In the meantime, execution proceedings were taken out by the petitioner in whose favour the arbitral award enures, for executing the award. Both the petition under Section 34 and the proceedings under Section 36, were heard by the same Judge and judgment was reserved.

- 3 It has been submitted at the Bar by Mr Gopal Sankaranarayanan, senior counsel for the petitioner (which is not in dispute in the submissions of Mr Saurabh Soparkar, senior counsel) that the judgment remained reserved for a period of ten months. Eventually, on 8 February 2024, the learned Single Judge observed that “these petitions were heard and reserved for judgment. However, the judgment is not pronounced for reasonable time and hence, the same are released”. The record indicates that the reason for releasing the matter on 8 February 2024 was only that the judgment had not been pronounced for a reasonable time.
- 4 Releasing a case after it has been heard over a substantial period and judgment has been reserved compounds not merely the delay, but expense for parties, as well. In such a situation, parties would be required to engage counsel and incur legal fees all over again for a fresh round of hearings.
- 5 In the present case, after the cases were released by the learned Single Judge on 8 February 2024, they were posted before another Judge on 23 February 2024, who has passed an order to the following effect:

“Not before this Court.”

- 6 Bearing in mind the above situation, we are of the view that the proceedings must be heard and disposed of by the same learned Judge who passed the order dated 8 February 2024, referred to in paragraph 3 above. The learned Single Judge may, upon the proceedings being mentioned together with a

copy of this order, re-list the proceedings for further hearing if it is deemed necessary to refresh the court since a long time has elapsed from the date on which the orders were reserved.

- 7 We also grant liberty to the petitioners, on the request made by Mr Gopal Sankaranarayanan, senior counsel to move the learned Judge for appropriate directions under Section 36 for securing the amount in arbitration. We have not expressed any view on the merits of any such application.
- 8 We would request the learned Single Judge of the High Court to take up the proceedings with all reasonable dispatch. Conscious as we are of the burden on the High Court, it is desirable that the case is heard and disposed of as expeditiously as possible.
- 9 The Special Leave Petitions are accordingly disposed of.
- 10 Pending applications, if any, stand disposed of.

.....CJI.
[Dr Dhananjaya Y Chandrachud]

.....J.
[J B Pardiwala]

.....J.
[Manoj Misra]

New Delhi;
April 8, 2024
CKB

ITEM NO.8+37

COURT NO.1

SECTION III

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) Nos.7669-7670/2024

(Arising out of impugned final judgment and order dated 08-02-2024 in PUA No.110/2022 23-02-2024 in PUA No. 110/2022 passed by the High Court of Gujarat at Ahmedabad)

MANBHUPINDER SINGH ATWAL

Petitioner(s)

VERSUS

NEERAJ KUMARPAL SHAH

Respondent(s)

(With IA No.76383/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.77644/2024-EXEMPTION FROM FILING O.T. and IA No.77643/2024-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH S.L.P.(C) Nos.8264-8266/2024

(With IA No.83765/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 08-04-2024 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. Gopal Sankaranarayanan, Sr. Adv.
Mr. Kirat Singh Nagra, Adv.
Mr. Pranav Vyas, Adv.
Mr. Kartik Yadav, Adv.
Mr. Manhar Singh Saini, Adv.
Mr. Tushar Nagar, Adv.

**Mr. Chandra Prakash, Adv.
M/s. D.S.K. Legal**

SLP(C) 8264-66/2024

**Mr. Saurabh Soparkar, Sr. Adv.
Ms. Deepanwita Priyanka, AOR**

For Respondent(s)

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

- 1 The Special Leave Petitions are accordingly disposed of.
- 2 Pending applications, if any, stand disposed of.

**(CHETAN KUMAR)
A.R. -cum-P.S.**

**(SAROJ KUMARI GAUR)
Assistant Registrar**

(Signed order is placed on the file)