

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). _____ OF 2026
(@SPECIAL LEAVE PETITION (CIVIL) NO(S).4207 OF 2025)

M/S LION ENGINEERING CONSULTANTS PVT. LTD. APPELLANT

VERSUS

THE STATE OF MADHYA PRADESH & ORS. RESPONDENTS

O R D E R

Leave granted.

2. The short question that arises for consideration in this appeal is whether the Division Bench of the High Court of Madhya Pradesh while exercising jurisdiction under Section 37 of the Arbitration and Conciliation Act, 1996 was justified in remanding the case to the Section 34 Court to adjudicate the issue of maintainability in view of the Madhya Pradesh Madhyastham Adhikaran Adhiniyam, 1983.

3. Learned counsel for the petitioner submits that the issue relating to jurisdiction is now concluded by the decisions of this Court in the Case of *M.P.Rural Road Development Authority v. L.G.Chaudhary Engineers &*

Contractors¹. Relevant paragraphs of the said judgment are as under:

“17. We do not express any opinion on the applicability of the State Act here award has already been made. In such cases if no objection to the jurisdiction of the arbitration was taken at relevant stage, the award may not be annulled only on that ground.

18. The appeals are, accordingly, disposed of. C.A.No.2616 arising out of SLP (C) NO.35641 of 2011.

19. Leave granted. In view of the order (Set out in para 15 to 18, above.) passed in CA NO.2751 of 2018 arising out of SLP (C) No.16615 of 2012, no objection having been raised by the respondents in terms of Section 16(2) of the Arbitration and Conciliation Act, 1996 at appropriate stage within the time stipulated, the award could not have been annulled.

20. Accordingly, this appeal is allowed, the impugned judgment (Sarvesh Rai v. M.P.Rural Road Development Authority, Misc. Appeal No.2673 of 2006, order dated 17.8.2011 (MP)) is set aside and the award is restored. It is, however, made clear that this order will not debar proceedings under Section 34 of the Arbitration and Conciliation Act, 1996.”

5. The same approach had been adopted by this Court in *JMC Projects (India) Ltd. v. Madhya Pradesh Road Development Corporation*² as well as in *Sweta Construction v. Chhattisgarh State Power Generation Company Ltd.*³. In a recent decision namely, *M/s.Sew*

1 (2018) 10 SCC 826

2 (2024) 4 SCC 729

3 (2024) 4 SCC 722

Infrastructure Ltd. versus The Government of Chhattisgarh [Civil Appeal No.6423 of 2025, dated 07.05.2025], this Court disallowed the argument on jurisdiction.

6. In view of the above, we set aside the judgment and order dated 03.10.2024 passed by the Division Bench of the High Court of Madhya Pradesh at Jabalpur in Arbitration Appeal No.23 of 2020 and direct that the Section 34 Court will take up and dispose of the objections on the award only on merits and not on maintainability.

7. Civil Appeal is allowed and disposed of in the aforesaid terms.

8. Pending application(s), if any, shall stand disposed of.

....., J.
(PAMIDIGHANTAM SRI NARASIMHA)

....., J.
(ALOK ARADHE)

NEW DELHI;
May 12, 2026.

ITEM NO.16

COURT NO.6

SECTION IV-C

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) NO(S).4207/2025

[ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 03-10-2024 IN ARBA NO. 23/2020 PASSED BY THE HIGH COURT OF MADHYA PRADESH PRINCIPAL SEAT AT JABALPUR]

M/S LION ENGINEERING CONSULTANTS PVT. LTD.

PETITIONER

VERSUS

THE STATE OF MADHYA PRADESH & ORS.

RESPONDENT(S)

IA NO. 23767/2025 - EXEMPTION FROM FILING O.T.

IA NO. 26004/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

Date : 12-05-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE ALOK ARADHE

For Petitioner(s) : Mr. Harsh Parashar, Adv.
Mr. Padmesh Mishra, Adv.
Mr. Anand Bhushan, Adv.
Mr. Kanu Garg, Adv.
Mr. Krishna Dev Jagarlamudi, AOR
Mr. Shadab Azhar, Adv.

For Respondent(s) : Ms. Manisha T.karia, Sr. A.A.G.
Mr. Abhinav Srivastav, Adv.
Mr. Pashupathi Nath Razdan, AOR
Ms. Maitreyee Jagat Joshi, Adv.
Mr. Astik Gupta, Adv.
Ms. Akanksha Tomar, Adv.

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

1. Leave granted.
2. Civil Appeal is allowed and disposed of in terms of the signed order, which is placed on file.
3. Pending application(s), if any, shall stand disposed of.

(B. LAKSHMI MANIKYA VALLI)
COURT MASTER (SH)

(NIDHI WASON)
ASSISTANT REGISTRAR