IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2026
(arising out of SLP(C) No.23490/2025)

M/S VALECHA SHIVALAYA INTERDRIL (JV) ..... APPELLANT(S)

VERSUS

UNION OF INDIA ..... RESPONDENT(S)

O R D E R

1. **Leave granted.**

2. **The issue as regards the retrospective application of the Arbitration and Conciliation (Amendment) Act, 2019, whereby Section 29-A of the Arbitration and Conciliation Act, 1996[1], was amended in August, 2019, stands settled by the decision of this Court in *'Tata Sons Private Limited (formerly Tata Sons Limited) vs. Siva Industries and Holdings Limited and Others[2]'*, wherein this Court observed that, as the amendment to Section 29-A(1) in the year 2019 was remedial in nature, it should be applicable to all the pending arbitral proceedings as on the effective date, that is, 30.08.2019.**

3. **This aspect of the matter stands settled against the appellant but we find that the Commercial Court at Gangtok, while considering the application filed by the appellant under Section 34 of the 1996 Act in Commercial (Arbitration) Case**

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Date: 2026.11.28 11:40:27 IST
Reason:

1 'the 1996 Act' for short
2 (2023) 5 SCC 421

No. 05 of 2023, deemed it appropriate to dispose of the same on the short ground of limitation in the context of Section 29-A of the 1996 Act and did not consider the other grounds raised therein on merits.

4. **As the High Court deemed it appropriate to restore the award in the appeal filed by the respondent under Section 37 of the 1996 Act only on that short ground, we are of the opinion that the other grounds raised by the appellant in the application filed under Section 34 of the 1996 Act require to be considered on their own merits and in accordance with law. As the Court concerned failed to undertake that exercise, we allow this appeal in part, by restoring Commercial (Arbitration) Case No. 05 of 2023 on the file of the Commercial Court at Gangtok for consideration afresh on merits and in accordance with law.**

5. **All issues, apart from the issue covered by the decision of this Court in *Tata Sons Private Limited* (supra), are left open to be considered therein.**

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

.....J.
(SANJAY KUMAR)

.....J.
(SANJEEV SACHDEVA)

NEW DELHI,
NOVEMBER 20, 2026.

ITEM NO.40 COURT NO.7 SECTION XV

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. 23490/2025

[Arising out of impugned final judgment and order dated 08-05-2025 in Arb. A No. 3/2024 passed by the High Court of Sikkim at Gangtok]

M/S VALECHA SHIVALAYA INTERDRIL (JV) Petitioner(s)

VERSUS

UNION OF INDIA Respondent(s)

(FOR ADMISSION AND IA No. 283365/2025 - STAY APPLICATION)

Date : 20-11-2026 This matter was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE SANJAY KUMAR
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

For Petitioner(s) Mr. S. Niranjan Reddy, Sr. Adv.
Mr. Varun Chugh, Adv.
Ms. Shagun Shahi Chugh, Adv.
Mr. Aishwary Jaiswal, Adv.
Mr. Kabir Singh, Adv.
Mr. Prashant Rawat- 4125, AOR

For Respondent(s) Mr. Vikramjeet Banarjee, A.S.G.
Mr. Madhav Sinhal, Adv.
Mr. Prashant Singh Ii, Adv.
Ms. Prerna Dhal, Adv.
Mr. K.k.dubey, Adv.
Mr. Shreekant Neelappa Terdal, AOR

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

Leave granted.

The appeal is allowed in part in terms of the signed order.

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

(BABITA PANDEY)
AR-CUM-PS

(PREETI SAXENA)
COURT MASTER (NSH)

(Signed order is placed on the file)