

2022 LiveLaw (SC) 624

**IN THE SUPREME COURT OF INDIA
M.R. SHAH; J, B.V. NAGARATHNA; J.**

Petition for Special Leave to Appeal (C) No. 10722/2022; 15-07-2022
M/S TANTIA CONSTRUCTIONS LIMITED *versus* UNION OF INDIA

Arbitration and Conciliation Act; 1996; Section 11(6) - There cannot be two arbitration proceedings with respect to the same contract/transaction-in the present case, earlier the dispute was referred to arbitration and the Arbitrator passed an award on whatever the claims were made. Thereafter, a fresh arbitration proceeding was sought to be initiated with respect to some further claims, may be after final bill-The same is rightly refused (by the High Court) to be referred to arbitration in exercise of Section 11(6) of the Act.

(Arising out of impugned final judgment and order dated 16-09-2021 in AP No. 353/2020 passed by the High Court at Calcutta)

For Petitioner(s) Mr. Debal Banerjee, Sr. Adv. Mr. R.N. Ghose, Adv. Mr. Santanu Ghosh, Adv. Mr. Nikhil Jain, AOR

ORDER

Having heard the learned counsel for the petitioner, we are of the firm opinion that there cannot be two arbitration proceedings with respect to the same contract/transaction. It is not in dispute that in the present case, earlier the dispute was referred to arbitration and the Arbitrator passed an award on whatever the claims were made. Thereafter, a fresh arbitration proceeding was sought to be initiated with respect to some further claims, may be after final bill. The same is rightly refused to be referred to arbitration in exercise of Section 11(6) of the Arbitration and Conciliation Act, 1996. We are in complete agreement with the view taken by the High Court.

With this, the Special Leave Petition stands dismissed.

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

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