IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2026
(arising out of SLP(C) No. 36951/2026)

VIVA HIGHWAYS LIMITED ..... APPELLANT(S)

VERSUS

MADHYA PRADESH ROAD DEVELOPMENT CORPORATION LIMITED & ANR. ..... RESPONDENT(S)

O R D E R

1. **Leave granted.**

2. **In the light of paragraph 12 of the decision of this Court in *MCM Worldwide Private Limited v. Construction Industry* Development Council[1]", we find no error having been committed by the learned Judge of the High Court of Madhya Pradesh at Jabalpur, in holding that the preliminary issue decided by the learned Arbitrator would be amenable to challenge under Section 34 of the Arbitration and Conciliation Act, 1996[2] as an interim award.**

3. **The application filed under Section 34 of the 1996 Act by respondent No. 1 in MJC (AV) No. 56/2025 shall stand restored to the file of the Commercial Court, Bhopal, Madhya Pradesh, for consideration on merits and in accordance with law.**

1 2026 SCC OnLine 717
2 "1996 Act", for short

4. **The appeal is disposed of in the above terms.**

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

.....J.
(SANJAY KUMAR)

.....J.
(SANJEEV SACHDEVA)

NEW DELHI;
OCTOBER 26, 2026.

ITEM NO.22 COURT NO.7 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. 36951/2026

[Arising out of impugned final judgment and order dated 09-10-2026 in WP No. 38779/2026 passed by the High Court of Madhya Pradesh Principal Seat at Jabalpur]

VIVA HIGHWAYS LIMITED Petitioner(s)

VERSUS

MADHYA PRADESH ROAD DEVELOPMENT CORPORATION LIMITED & ANR. Respondent(s)

(FOR ADMISSION and IA No. 320956/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 26-10-2026 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. Sandeep Bajaj, Adv.
Mr. Soayib Qureshi- 2971, AOR
Mr. Mayank Biyani, Adv.
Mr. Kounane Jeelani, Adv.
Mr. Ekansh Singh, Adv.

For Respondent(s) Mr. Tushar Mehta, Solicitor General
Mr. Prashant Singh, Advocate General
Ms. Mrinal Gopal Elker- 2566, AOR
Mr. Siddharth Sharma, Adv.
Ms. Ishika Chauhan, Adv.
Mr. Hitesh Gupta, Adv.
Mr. Srajan Yadav, Adv.
Mr. Swastik Singh, Adv.

UPON hearing the counsel, the Court made the following

O R D E R

Leave granted.

The appeal is disposed of in terms of the signed order.

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

(BABITA PANDEY) (PREETI SAXENA)
AR-CUM-PS COURT MASTER (NSH)
(Signed order is placed on the file)

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