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मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 287]

भोपाल, गुरुवार, दिनांक 11 जुलाई 2019—आषाढ़ 20, शक 1941

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 11 जुलाई 2019

क्र. 11858-172-इक्कीस-अ(प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश माध्यस्थम् अधिकरण (संशोधन) विधेयक, 2019 (क्रमांक 13 सन् 2019) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,

राजेश यादव, अतिरिक्त सचिव.

MADHYA PRADESH BILL
No. 13 OF 2019

THE MADHYA PRADESH MADHYASTHAM ADHIKARAN
(SANSHODHAN) VIDHEYAK, 2019

A Bill Further to amend the Madhya Pradesh Madhyastham Adhikaran Adhiniyam, 1983.

Be it enacted by the Madhya Pradesh Legislature in the Seventieth year of the Republic of India, as follows :—

Short title.

1. This Act may be called the Madhya Pradesh **Madhyastham Adhikaran** (Sanshodhan) Adhiniyam, 2019.

Amendment of Section 2.

2. In section 2 of the Madhya Pradesh **Madhyastham Adhikaran** Adhiniyam, 1983 (No. 29 of 1983), in sub-section (1), for clause (d), the following clause shall be substituted, namely:—

"(d) "dispute" means, claim of ascertained or ascertainable money valued at Rupees 50,000 or more relating to any difference arising out of the execution or non-execution of a works contract or part thereof;"

STATEMENT OF OBJECTS AND REASONS

In Arbitration Appeal No. 14/2017 Viva Highway Limited V/s Madhya Pradesh Road Development Corporation Limited, the High Court of Madhya Pradesh in its Judgment dated 5th May, 2017 has said that the definition of "dispute" in the Madhya Pradesh Madhyastham Adhikaran Adhiniyam, 1983 (No. 29 of 1983) only includes dispute relating to Rs 50,000/- or "ascertained money" where money is not ascertain dispute do not fall within the ambit of Madhya Pradesh Madhyastham Adhikaran Adhiniyam, 1983.

2. This situation is not in the interest of the State Government and its instrumentalities as all claims where the money is not certain the dispute would not fall under the State Act. The very object of State Act would be frustrated. The situation deserves to be remedied by the suitable amendment in section 2(d) of the State Act so as to remove all ambiguity and bring all dispute relating to Work Contract within the State Act.

3. Hence this Bill.

BHOPAL :
Dated, the 5th July, 2019.

P. C. SHARMA
Member-in-Charge.