

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO. OF 2026
(Arising out of SLP(C) No.7545/2026)**

MSA GLOBAL LLC (OMAN)

APPELLANT(S)

VERSUS

ENGINEERING PROJECTS (INDIA) LIMITED

RESPONDENT(S)

O R D E R

1. Leave granted.

2. The issue before the Division Bench of the High Court of Delhi revolved around the validity of an order dated 25.07.2025 by the learned Single Judge, which injuncted the appellant from continuing with the arbitration proceedings in an anti-arbitration suit. The very opening paragraph 2 of the Division Bench's judgment refers to the predominant ground, namely, the alleged misconduct of Mr. Andre Yeap, a member of the Arbitral Tribunal, who failed to disclose his prior involvement in an arbitration proceeding involving the appellant-defendant.

3. During the pendency of these proceedings, Mr Andre Yeap has resigned from his position as a member of the Arbitral Tribunal. A communication dated 13.03.2026, to this effect, of the International Court of Arbitration has been placed on record, which is made part of the judicial record.

4. In furtherance of this subsequent development, we have heard learned Senior Counsel for the parties. It is urged on behalf of the respondent-plaintiff that the resignation of Mr. Andre Yeap does not cure the defect from the very inception, as he was a party to an interim award passed by the Arbitral Tribunal, the execution whereof is sought by the appellant before the Indian Courts.

5. In this regard, it appears to us that since the primary reason for injuncting the appellant from pursuing his anti-arbitration suit seems to have vanished, the validity of the order dated 25.07.2025 of the learned Single Judge can be re-examined by the Division Bench of the High Court. It goes without saying that the legal effect of Mr. Andre Yeap, being one of the arbitrators when the interim award was passed, and/or the reasons assigned by the Division Bench in paragraph 71 of the impugned judgment, founded upon Articles 19.1 and 19.3 of the Arbitration Agreement, are kept open along with all other contentions between the parties.

6. For the reasons aforesaid, the appeal is allowed in part to the extent that the impugned judgment of the Division Bench of the High Court dated 12.12.2025 is set aside and the FA0(OS) No.88/2025 is restored to its original number and file with a request to the High Court to decide the same afresh uninfluenced of the impugned judgment dated 12.12.2025.

7. It is clarified that we have not expressed any opinion

on merits, and all the contentions sought to be raised by the parties have been kept open to be gone into by the High Court.

.....CJI.
(SURYA KANT)

.....J.
(JOYMALYA BAGCHI)

NEW DELHI;
MARCH 16, 2026

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).7545/2026

[Arising out of impugned final judgment and order dated 12-12-2025 in FAOS No. 88/2025 passed by the High Court of Delhi at New Delhi]

MSA GLOBAL LLC (OMAN)

Petitioner(s)

VERSUS

ENGINEERING PROJECTS (INDIA) LIMITED

Respondent(s)

IA No. 58453/2026 - PERMISSION TO FILE LENGTHY LIST OF DATES

Date : 16-03-2026 This matter was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI

For Petitioner(s) :Dr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Balbir Singh, Sr. Adv.
Mr. Kirat Singh Nagra, Adv.
Mr. Kartik Yadav, Adv.
Mr. Pranav Vyas, Adv.
Ms. Sumedha Chadha, Adv.
Mr. Sankalp Singh, Adv.
Ms. Mokshha Sharma, Adv.
Mr. Omar Ahmed, Adv.
Mr. Naman Tandon, Adv.
M/s. D.S.K. Legal, AOR

For Respondent(s) :Mr. Mukul Rohatgi, Sr. Adv.
Mr. Sandeep Sethi, Sr. Adv.
Mr. Ajit Warrier, Adv.
Mr. Angad Kochhar, Adv.
Mr. Himanshu Setia, Adv.
Mr. Vedant Kashyap, Adv.
Ms. Riya Kumar, Adv.
Mr. S. S. Shroff, AOR

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

1. Leave granted.
2. The appeal is allowed in part in terms of the signed order.
3. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR

(signed order is placed on the file)