

*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Reserve: 9.4.2009
Date of Order: 15th April, 2009

OMP No. 151/2007

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15.4.2009

Suresh Mohan Chopra & Ors.

... Petitioners

Through: Mr. Sumit R. Sharma, Advocate

Versus

G.P.Ahuja

... Respondent

Through: Mr. Kapil Kher &
Mr. Rishi Manchanda, Advocates

JUSTICE SHIV NARAYAN DHINGRA

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| 1. Whether reporters of local papers may be allowed to see the judgment? | Yes. |
| 2. To be referred to the reporter or not? | Yes. |
| 3. Whether judgment should be reported in Digest? | Yes. |

ORDER

These objections under Section 34 of the Arbitration & Conciliation Act, 1996 have been received from the District Court as learned Additional District Judge vide its order dated 13.3.2007 relaying on 2003(3) Arb. LR 530 (Delhi) considered that since the appointment of the Arbitrator under Section 11(6) of the Act was made by this Court (High Court), any subsequent application/petition challenging the award has to be filed before the High Court

and not before the District Court. The judgment relied upon by the learned ADJ is not a good law. The Supreme Court in Garhwal Mandal Vikas Nigam Ltd. v. Krishna Travel Agency 2007(Suppl.) Arb. LR 1 (SC) observed that even if the appointment of arbitrator is made by the High Court or the Supreme Court under Section 11(6), the principal civil court of original jurisdiction remains the District Court and not the High Court or the Supreme Court. The objections can be filed only before the principal civil Court of original jurisdiction as defined in Section 2(1)(e) of the 1996 Act. The same proposition of law was reiterated by the Supreme Court in Bharat Coking Coal Limited v. H.P.Biswas and Company 2007(Suppl.) Arb. LR 6 (SC).

2. The objections in this case have been filed against an award which is for an amount of less than Rs.20 lac. I, therefore, consider that this petition under Section 34 of the Arbitration & Conciliation Act, 1996 has to be decided by the District Court. The matter is sent back to District Judge (Central) Delhi, who will assign it to the proper District Court.

Parties to appear before the District Judge (Central), Delhi on 24th April, 2009.

April 15, 2009
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SHIV NARAYAN DHINGRA, J.