

Court No. - 46

Case :- ARBITRATION AND CONCILI. APPL.U/S11(4) No. - 84 of 2023

Applicant :- Manoj Kumar Mishra @ Bablu

Opposite Party :- Prabandhak Reliance Jio And Another

Counsel for Applicant :- Rajeev Kumar

Counsel for Opposite Party :- Rahul Agarwal

Hon'ble Ashwani Kumar Mishra,J.

Heard Sri Rajeev Kumar, learned counsel for the applicant and Sri Vedant Agrawal, holding brief of Sri Rahul Agarwal for the opposite parties.

This petition has been filed under Section 11 of the Arbitration and Conciliation Act for appointment of an arbitrator.

An objection is taken at the outset with regard to maintainability of this petition on the ground that Lucknow being the venue of arbitration, the Bench at Lucknow alone will have territorial jurisdiction to entertain the petition.

Learned counsel for the applicant states that the applicant since is a resident of Kanpur Nagar, therefore, the petition would be maintainable before this Court.

Law is settled that in the matter of arbitration the parties can agree to the venue even at a place where no part of cause of action has arisen. Strict principles of cause of action referable to Section 20 of the Code of Civil Procedure would not be attracted in a matter of appointment of arbitrator. Since the parties in this case have unanimously resolved to have the seat of arbitration at Lucknow, as such this Court will have no territorial jurisdiction to entertain the petition.

This petition, accordingly, is dismissed on the ground of lack of jurisdiction. Liberty stands reserved to the applicant to approach the appropriate forum.

Order Date :- 9.11.2023

Anil