



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(i) TA-1309-2025 (O&M)

Amritpal Singh and others
...Applicants

VERSUS

Union of India and another
...Respondents

(ii) TA-1312-2025 (O&M)

Amritpal Singh and others
...Applicants

VERSUS

Union of India and another
...Respondents

(iii) TA-1560-2025 (O&M)

Santosh Rani
...Applicant

VERSUS

National Highway Authority of India and others
...Respondents

(iv) TA-1564-2025 (O&M)

Surjit Singh
...Applicant

VERSUS

National Highway Authority of India and others
...Respondents

(v) TA-1566-2025 (O&M)

Sarabjit Singh and another
...Applicants

VERSUS

National Highway Authority of India and others
...Respondents



TA-1309-2025 and connected cases

-2-

(vi) TA-1568-2025 (O&M)

Satnam Kaur
...Applicant

VERSUS

National Highway Authority of India and others
...Respondents

(vii) TA-1571-2025 (O&M)

Jagir Singh
...Applicant

VERSUS

National Highway Authority of India and others
...Respondents

(viii) TA-1577-2025 (O&M)

Surjit Singh
...Applicant

VERSUS

National Highway Authority of India and others
...Respondents

(ix) TA-1588-2025 (O&M)

Jarnail Singh
...Applicant

VERSUS

National Highway Authority of India and others
...Respondents

(x) TA-1589-2025 (O&M)

Jagdish Singh and another
...Applicants

VERSUS

National Highway Authority of India and others
...Respondents



TA-1309-2025 and connected cases

-3-

(xi) TA-1591-2025 (O&M)

Robindeep Sandhu and another
...Applicants

VERSUS

National Highway Authority of India and others
...Respondents

(xii) TA-1601-2025 (O&M)

Jamna Das and others
...Applicants

VERSUS

National Highway Authority of India and others
...Respondents

(xiii) TA-1603-2025 (O&M)

Lakhwinder Singh alias Lakha Singh and another
...Applicants

VERSUS

National Highway Authority of India and others
...Respondents

(xiv) TA-1616-2025 (O&M)

Rajinder Mohan Chhina alias Rajinder Mohan Singh and another
...Applicants

VERSUS

Union of India and others
...Respondents

(xv) TA-1617-2025 (O&M)

Harbhajan Kaur since deceased through her LR
...Applicants

VERSUS

National Highway Authority of India and others
...Respondents



TA-1309-2025 and connected cases

-4-

(xvi) TA-1618-2025 (O&M)

Rajinder Mohan Chhina alias Rajinder Mohan Singh and others
...Applicants

VERSUS

Union of India and others
...Respondents

(xvii) TA-1733-2025 (O&M)

Harjeet Kaur and another
...Applicants

VERSUS

National Highway Authority of India and others
...Respondents

Date of Decision: February 25, 2026

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Prateek Sodhi, Advocate
for the applicants.

Mr.Samarth Sagar, Mr.R.S.Madaan and
Mr.Mahender Joshi, Advocates
for respondent-NHAI.

ARCHANA PURI, J.

These are bunch of 17 transfer applications filed by the land owners, whose lands situated, within the jurisdiction of Amritsar were acquired. The said land owners are seeking transfer of the petitions filed under Section 34 of the Arbitration and Conciliation Act, instituted by the respondent(s), in the Court of Addl. District Judge, Jalandhar and they seek transfer of the same, to the Court of competent jurisdiction at Amritsar.

**TA-1309-2025 and connected cases****-5-**

For the convenience of discussion, TA-1309-2025 is taken as lead case and the facts of the same are taken, hereinafter, as all the applications seeking transfer of the objection petitions, have commonality of facts, vis-a-vis, passing the Awards as well as the objections filed and pendency thereof, and the applicable law.

The lands of the applicants situated in District Amritsar, were notified for acquisition by issuance of notification under Section 3-A of the National Highway Authority Act, 1956 and same were acquired. Award No.3 dated 15.04.2021 was passed. However, being aggrieved, the applicants questioned the adequacy of the compensation awarded and preferred reference petitions under Section 3(g) (5) of the 1956 Act, before the Commissioner, Jalandhar, which were partly allowed vide Award dated 03.12.2024. Still not satisfied with the extent of compensation awarded, the applicants filed the objection petitions under Section 34 of the Arbitration and Conciliation Act before learned District Judge, Amritsar. Therein, the respondents made appearance.

During the pendency of the said objection petitions, respondents instituted their objection petitions under the ibid Act, before the Courts at Jalandhar.

It is in this context, the applications for seeking transfer of the objection petitions have been filed by the land-owners.

Replies were filed.

Counsel for the parties heard.

At the very outset, learned counsel for the applicants, while making reference to the dates of filing of the objection petitions, submitted

**TA-1309-2025 and connected cases****-6-**

that the lands, which are subject matter of the acquisition, are situated at Amritsar. The objections filed by the applicants are earlier in time. Subsequently, the respondents filed their objections under Section 34 of the ibid Act and the same have been filed in gross ignorance of their own policy, formulated during the pendency of the transfer applications, considered by the Coordinate Bench. In fact, it is submitted that vide order dated 11.10.2021, during the pendency of bunch of transfer applications, it was resolved by the National Highway Authority of India (NHAI) that they would file objection petition in the Civil Court, where the land was acquired and not at the location of the arbitration proceedings. Vide this office order, the said policy decision was taken to avoid multiplicity of proceedings and also to facilitate the land-owners and taking into consideration the convenience of the land-owners.

However, while ignoring their own policy and to add to the inconvenience and financial burden upon the land-owners, the applicants are forced to litigate in the Courts situated at Jalandhar and on this account, the transfer of the subsequent objection petitions have been sought.

On the other hand, learned counsel for the respondent-NHAI, while making reference to the reply, though, had not disputed about the location of acquired land of the applicants and also about the objections filed at Amritsar, to be earlier in time, but however, he submits that arbitral proceedings were conducted at Jalandhar. The Central Government, vide separate notification No.S.O.2855 dated 23.06.2022, appointed the Divisional Commissioner, Jalandhar, to act as an Arbitrator, within the local limits of his 'jurisdiction' for deciding references under Section 3-G of the



Act. This jurisdiction specifically defined to cover the revenue Districts of Amritsar, Gurdaspur, Hoshiarpur, Jalandhar, Kapurthala, Tarn Taran and Pathankot. In view of this notification, the arbitration proceedings, pertaining to all the aforesaid proceedings, are required to be conducted at Jalandhar and was accordingly done. In fact, counsel submits that all arbitration proceedings were held at Jalandhar and they were duly attended by the parties. The Arbitral Award was also signed and pronounced at Jalandhar. Therefore, the seat of arbitration by operation of law and conduct of proceedings, is Jalandhar.

While making reference to the provisions of Section 20 of the Arbitration and Conciliation Act, which talks about the place of arbitration, learned counsel submits that the proceedings were not founded on party autonomy or mutual consent, but these were initiated, pursuant to the statutory mechanism, under the *ibid* Act. Consequently, the issue of territorial jurisdiction, ought to be determined, with reference to the juridical seat i.e. the place, where the arbitration was conducted and the Award was rendered, which is Jalandhar, in the case in hand and therefore, the Courts at Amritsar, has no jurisdiction.

In fact, counsel submits that once the ‘seat’ of arbitration is determined, the Courts at that place, alone shall have the exclusive jurisdiction to exercise supervisory control, over the arbitral proceedings and the matters arising therefrom.

To substantiate their submissions, learned counsel placed reliance upon ***BGS SGS Soma JV vs. NHPC Ltd., 2020(4) SCC 234, Inox Renewables Limited vs. Jayesh Electrical Limited, 2021 SCC Online SC***



448 and *National Highways Authority of India & another vs. Yashpreet Singh & another, 2023(1) RCR (Civil) 636.*

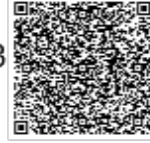
So far as, the policy framed vide order dated 11.10.2021, is concerned, it is submitted by learned counsel for the respondents that on account of recent judgment delivered by this Court in ***Yashpreet Singh's case (supra)***, wherein, it has been held that arbitration proceedings were conducted and the Award was passed at a particular place, the Courts of that place, alone shall have the jurisdiction to entertain the petition under Section 34 of the Arbitration and Conciliation Act, the same, as such, is being followed now.

In view of the submissions aforesaid, beneficial reference is made to ***BGS SGS Soma's case (supra)***, wherein, the question as to maintainability of the appeal under Section 37 of the Arbitration and Conciliation Act, was raised and given the arbitration clause in these proceedings, the question arose, whether the 'seat' of the arbitration proceedings is New Delhi or Faridabad, consequent upon which, a petition under Section 34 of the Arbitration Act, 1996, may be filed, dependent on, where the seat of arbitration is located.

In the aforesaid case, the Hon'ble Supreme Court considered Section 20 of the Arbitration Act, which is reproduced, as herein given:-

“20. Place of arbitration (1) The parties are free to agree on the place of arbitration.

2) Failing any agreement referred to in Sub-section (1), the place of arbitration shall be determined by the arbitral tribunal having regard to the circumstances of the case, including the convenience of the parties. (3) Notwithstanding Sub-section (1)



or Sub-section (2), the arbitral tribunal may, unless otherwise agreed by the parties, meet at any place it considers appropriate for consultation among its members, for hearing witnesses, experts or the parties, or for inspection of documents, good or other property.”

Thereupon, making reference in extenso to the case law and provisions of Section 20 of the Arbitration Act, considering the place of arbitration, the Apex Court held, as observed herein given:-

“84. On a conspectus of the aforesaid judgments, it may be concluded that whenever there is the designation of a place of arbitration in an arbitration clause, as being the ‘venue’ of the arbitration proceedings, the expression ‘arbitration proceedings’ would make it clear that the ‘venue’ is really the ‘seat’ of the arbitral proceedings, as the aforesaid expression does not include just one or more individual or particular hearing, but the arbitration proceedings as a whole, including the making of an award at that place. This language has to be contrasted with language such as ‘tribunals are to meet or have witnesses, experts or the parties’ where only hearings are to take place in the ‘venue’, which may lead to the conclusion, other things being equal, that the venue so stated is not the ‘seat’ of arbitral proceedings, but only a convenient place of meeting. Further, the fact that the arbitral proceedings ‘shall be held’ at a particular venue would also indicate that the parties intended to anchor arbitral proceedings to a particular place, signifying thereby, that that place is the seat of the arbitral proceedings. This, coupled with there being no other significant contrary indicia that the stated venue is merely a ‘venue’ and not the ‘seat’ of the arbitral proceedings, would then conclusively show that such a clause designates a ‘seat’ of the arbitral proceedings.....”



Furthermore, after referring to the recitals of the agreement between the parties concerned, the Hon'ble Supreme Court, observed, as herein given:-

“100. However, the fact that in all the three appeals before us the proceedings were finally held at New Delhi, and the awards were signed in New Delhi, and not at Faridabad, would lead to the conclusion that both parties have chosen New Delhi as the ‘seat’ of arbitration under Section 20(1) of the Arbitration Act, 1996. This being the case, both parties have, therefore, chosen that the Courts at New Delhi alone would have exclusive jurisdiction over the arbitral proceedings. Therefore, the fact that a part of the cause of action may have arisen at Faridabad would not be relevant once the ‘seat’ has been chosen, which would then amount to an exclusive jurisdiction clause so far as Courts of the ‘seat’ are concerned.

101. Consequently, the impugned judgment is set aside, and the Section 34 petition is ordered to be presented in the Courts in New Delhi, as was held by the learned Single Judge of the Special Commercial Court at Gurugram.”

In ***Hindustan Construction Company Ltd. vs. NHPC Ltd. & Anr., 2020 INSC 272***, the Hon'ble Supreme Court observed that once the seat of arbitration is designated, such clause then becomes exclusive jurisdiction clause, as a result of which, only Courts where seat is located, would then have jurisdiction to exclusion of all other Courts. Therein, the question was with regard to the chosen seat of parties to be Delhi and whether, Faridabad had any jurisdiction. Relevant paragraphs of the judgment, to be considered are as herein given:-

“6) Given the finding in this case that New Delhi was the chosen seat of the parties, even if an application was first made



to the Faridabad Court, that application would be made to a court without jurisdiction. This being the case, the impugned judgment is set aside following BGS SGS Soma JV (supra), as a result of which it is the courts at New Delhi alone which would have jurisdiction for the purposes of challenge to the Award.

7) As a result of this judgment, the Section 34 application that has been filed at Faridabad Court will stand transferred to the High Court of Delhi at New Delhi. Any objections taken on the ground that such objection filed under Section 34 is out of time hence cannot be countenanced. The appeal is disposed of accordingly.

TRANSFER PETITION (C) NOS. 3053/2019, 7/2020 & 10/2020:

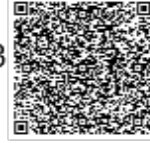
8) On the facts of each of these cases, the finding of the courts is that the seat has been designated as New Delhi. This being the case and in consonance with our judgment in BGS SGS Soma JV (supra), we transfer these Section 34 petitions to the High Court of Delhi at New Delhi.

9) The transfer petitions are allowed in the afore-stated terms. IA No. 34078/2020 in T.P. (C) No. 3053/2019 and IA No. 34079/2020 in T.P. (C) No. 10/2020:

10) Status quo as of today will operate for a period of eight weeks from today. In the meanwhile, once the transferred cases are properly instituted in the Delhi High Court, it will be open for the respondents to move petitions under Section 36 of the Arbitration Act, which will then be disposed of on their own merits.

In *BBR (India) Private Limited vs. S.P. Singla Constructions*

Private Limited, 2022 INSC 591, the question which cropped up before the Court was that in pursuance of the appointment of new Arbitrator-whether conducting of arbitration proceedings at Delhi, owing to appointment of new



arbitrator, would shift 'jurisdiction seat of arbitration' from Panchkula in Haryana, place fixed by first arbitrator for arbitration proceedings? It was held, once jurisdiction 'seat' of arbitration is fixed in terms of sub-section(2) of Section 20 of the Act, then, without express mutual consent of parties to arbitration, 'seat' cannot be changed-Therefore, appointment of new arbitrator, who holds arbitration proceedings at different location would not change jurisdictional 'seat' already fixed by earlier or first arbitrator. The place of arbitration, in such event, should be treated as venue, where arbitration proceedings are held.

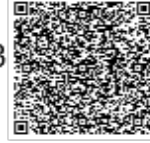
In paragraph No.21 of the said judgment, it was observed, as herein given:-

“21. The Court in BGS SGS Soma (supra) has also dealt with the situation where the parties have not agreed on or have not fixed the jurisdictional ‘seat of arbitration’, and has laid down the following test to determine the ‘seat of arbitration’ which would determine the location of the court that would exercise supervisory jurisdiction. The test is simple and reads:

“61. It will thus be seen that wherever there is an express designation of a “venue”, and no designation of any alternative place as the “seat”, combined with a supranational body of rules governing the arbitration, and no other significant contrary indicia, the inexorable conclusion is that the stated venue is actually the juridical seat of the arbitral proceeding.”

In paragraph No.31 onwards, it was further observed, as herein given:-

“31. We have already referred to the first few sentences of the aforementioned paragraph and explained the reasoning in the context of the present case. The paragraph BGS SGS Soma



(supra) also explains the non-obstante effect as incorporated in Section 42 to hold that it is evident that the application made under Part-I must be to a court which has a jurisdiction to decide such application. Where 'the seat' is designated in the agreement, the courts of 'the seat' alone will have the jurisdiction. Thus, all applications under Part-I will be made in the court where 'the seat' is located as that court would alone have jurisdiction over the arbitration proceedings and all subsequent proceedings arising out of the arbitration proceedings. The quotation also clarifies that when either no 'seat' is designated by an agreement, or the so-called 'seat' is only a convenient venue, then there may be several courts where a part of the cause of action arises that may have jurisdiction. An application under Section 9 of the Act may be preferred before the court in which a part of cause of action arises in the case where parties had not agreed on the 'seat of arbitration'. This is possible in the absence of an agreement fixing 'the seat', as an application under Section 9 may be filed before 'the seat' is determined by the arbitral tribunal under Section 20(2) of the Act. Consequently, in such situations, the court where the earliest application has been made, being the court in which a part or entire of the cause of action arises, would then be the exclusive court under Section 42 of the Act. Accordingly, such a court would have control over the arbitration proceedings.[22]*

[22 We are not examining and are not required to decide the question- whether there is a difference between the expression 'court' and the 'Chief Justice or his nominee' in the present case.]

32. Section 42 is to no avail as it does not help the case propounded by the appellant, as in the present case the arbitrator had fixed the jurisdictional 'seat' under Section 20(2) of the Act before any party had moved the court under the Act, being a court where a part or whole of the cause of action



had arisen. The appellant had moved the Delhi High Court under Section 34 of the Act after the arbitral tribunal vide the order dated 5th August 2014 had fixed the jurisdictional 'seat' at Panchkula in Haryana. Consequently, the appellant cannot, based on fastest finger first principle, claim that the courts in Delhi get exclusive jurisdiction in view of Section 42 of the Act. The reason is simple that before the application under Section 34 was filed, the jurisdictional 'seat' of arbitration had been determined and fixed under sub-section (2) to Section 20 and thereby, the courts having jurisdiction over Panchkula in Haryana, have exclusive jurisdiction. The courts in Delhi would not get jurisdiction as the jurisdictional 'seat of arbitration' is Panchkula and not Delhi.

33. In view of the aforesaid discussion and reasons, we do not find any merit in the present appeals, and the same are dismissed without any order as to costs."

Proceeding further, so far as the office order dated 11.10.2021 is concerned, the policy decision was taken by NHAI to file the objection petitions under Section 34 of the Arbitration and Conciliation Act, in Civil Courts, where the land has been acquired and not at the location of arbitration proceedings, to facilitate/convenience of the land-owners/NHAI and avoid multiplicity of the proceedings.

However, in bunch of transfer applications, taking lead case as TA-191-2021, titled 'Madanjit Kaur vs. National Highway Authority of India and others' decided on 14.10.2021, wherein, transfer applications relating to the objection petitions under Section 34 of the Arbitration and Conciliation Act, was under consideration, the Coordinate Bench had observed that the aforesaid policy is prospective in nature and takes care of the objections, which are filed subsequently to the policy decision. However, some



effective order is required to be passed with regard to the objections, in the matters, which are already pending on date of implementation of policy decisions. In the bunch of cases under considerations, the objections were transferred to the Court of competent jurisdiction in the District, in which, the acquired land was located.

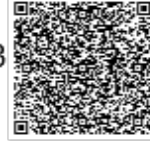
In the subsequent orders passed in the transfer applications, relating to the objection petitions, the applications were allowed and the objection petitions were transferred to the place, where the lands were situated.

Now, on query by the Court, counsel for the respondent has categorically submitted that in view of the observations made in ***Yashpreet Singh's case (supra)***, the requisite policy, as such, is not being followed.

In ***Yashpreet Singh's case (supra)***, the Coordinate Bench of this Court had held that once the 'seat' of arbitration is fixed--it would be in the nature of an exclusive jurisdiction clause, as to the Court, which exercises supervisory power over the arbitration.

However, learned counsel for the applicants has referred to the order passed by the Hon'ble Supreme Court, whereby, NHAI has challenged the ***Yashpreet Singh's case (supra)*** decision, rendered by the Coordinate Bench, wherein, it was observed, as herein given:-

“On hearing learned for parties, we are not inclined to interfere with the impugned judgment except to the extent that since the objections under Section 34 of the Arbitration and Conciliation Act, 2 1996 have been filed in Bhatinda and the respondents have raised an objection about the territorial jurisdiction, the aspect of territorial jurisdiction will not be influenced by any observations made in the impugned



judgment.

The Special Leave Petitions are dismissed with the aforesaid observations.

Pending application stands disposed of.”

Also, reference is made to order dated 29.04.2023 passed by Court at Bathinda. In view of the arbitration objections, having been transferred on the ground of jurisdiction from Bathinda to Faridkot, again, had dealt with the same and held that the Courts at Bathinda had jurisdiction and proceeded further.

Likewise, also reference is placed upon the order dated 06.04.2024 passed by Addl. District Judge, Bathinda, wherein, on application for rejection of the objections, filed by the NHAI, counsel submitted that the respondent had taken the plea that petition under Section 34 of the Arbitration and Conciliation Act, is not maintainable at Bathinda, on the basis of territorial jurisdiction as the jurisdiction for filing the said petition is of the Civil Court, wherein, the arbitration proceedings were concluded i.e. at Faridkot and thus, Court has no territorial jurisdiction to entertain the objection petition and the same be returned.

However, plea was raised about both the Court having jurisdiction i.e. the Court, within those jurisdiction, the subject matter of land is situated and within whose jurisdiction, the seat of arbitration is located. In the requisite order, reference was made to the case law also and on the basis thereof, it was contended by the NHAI that the appointment of the Arbitrator by itself does not mean that the seat of arbitration was fixed to be at Faridkot District only or that the Courts at District Faridkot, were conferred any exclusive jurisdiction, to deal with all the disputes, under the Act, qua the Award of



the aforesaid arbitrator. Also, it emphasized upon the land in question, which was acquired, was within the territorial jurisdiction of Principal Civil Court at Bathinda. The Court held about the Courts at Bathinda, being Principal Civil Court under the Act, to be having the territorial jurisdiction to entertain and decide the petition under Section 34 of the Arbitration and Conciliation Act and accordingly, the application was dismissed.

It is contended by counsel for the applicants that the aforesaid orders have since attained finality as these had never been challenged.

No doubt, the policy decision dated 11.10.2021 aforesaid was followed by the Courts, while considering and deciding transfer applications, the mention whereof has been made aforesaid and the objections were transferred to the places, where the land was situated, but however, it be noted that it was fallacy, on the part of the National Highways Authority to formulate this policy, oblivious of the case law, settling the 'seat' of arbitration and the same was never taken into consideration.

That being so, the orders of transfer to the places, where the land is situated, as relied upon by the applicant, was purely on policy basis and not as per law settled by the Hon'ble Supreme Court. Precisely, on this account, the policy should not be followed and to avoid inconvenience/confusion amongst the affected persons, appropriate steps be taken by the National Highways Authority, vis-a-vis, recall of the same.

In ***Yashpreet Singh's case*** in the SLP, the aforesaid observations were made and thereafter, the orders were passed by the Courts, wherein, different stand was taken by the National Highways Authority. No doubt, said orders have not been further challenged by the



NHAI, but may it be so. That by itself, cannot be of much assistance to surpass the law laid down by the Courts, more particularly, in ***BGS SGS Soma's case (supra)***.

No doubt, the cases under consideration, in the transfer applications in hand, relate to the statutory arbitration, whereby, by virtue of notification issued by the Central Government, the Divisional Commissioner, Jalandhar was appointed as Arbitrator, but counsel for the applicants submit that even though, the notification was relied upon dated 23.06.2022 i.e. Annexure R-2/1, but the said notification never fixed the 'seat' of arbitration.

However, the submission made is bereft of merits. In pursuance of the notification aforesaid. the arbitration proceedings were conducted at Jalandhar and there was participation by both the sides. Furthermore, the Award was signed and pronounced at Jalandhar. No objection to the conducting of the proceedings, thereupon, as such, was raised at any stage. Therefore, in such circumstances, in statutory arbitration also, the 'seat' was fixed at Jalandhar. That being so, in view of the aforesaid case law, the moment the 'seat' is designated, it is akin to the exclusive jurisdiction, when no objection was raised, at any earlier stage. The parties, therefore, are taken to have chosen the 'seat' and thus, in the light of the same, after the pronouncement of the Award, the filing of objections at Amritsar, do not attract provisions of Section 42 of the *ibid* Act.

Therefore, once the 'seat' of arbitration is designated, then it becomes exclusive jurisdiction clause, as a result whereof, only Courts, where the 'seat' is located would then have jurisdiction. Being so, the objection



TA-1309-2025 and connected cases

petition ought to proceed before the Courts at Jalandhar.

Resultantly, there is no merit in the transfer applications. Hence, all the transfer applications, detailed in the headnote, are hereby dismissed.

February 25, 2026
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No