

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT
HYDERABAD

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

ARBITRATION APPLICATION No. 36 of 2015

DATE: 10.04.2015

Between:

M/s. Indian Immunologicals Limited,
Hyderabad.

... Applicant

And

M/s. AIBOLIT Street Kahorov,
Tajikistan & another.

... Respondents

This Court made the following:

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

ARBITRATION APPLICATION No. 36 of 2015

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ORDER:

It appears the respondents are foreign national and it is a dispute in relation to international commercial arbitration. In my view, this application cannot be entertained by me by virtue of the provisions of sub-section (12) (a) of Section 11 read with Section 2(f) of the Arbitration and Conciliation Act, 1996, which read as follows:

“11(12(a):- Where the matters referred to in sub-sections (4), (5), (6), (7), (8) and (10) arise in an international commercial arbitration, the reference to “Chief Justice” in those sub-sections shall be construed as a reference to the “Chief Justice of India”.

“2(f):- “international commercial arbitration” means an arbitration relating to disputes arising out of legal relationships, whether contractual or not, considered as commercial under the law in force in India and where at least one of the parties is –

- i. an individual who is a national of, or habitually resident in, any country other than India; or
- ii. a body corporate which is incorporated in any country other than India; or
- iii. a company or an association or a body of individuals whose central management and control is exercised in any country other than India; or
- iv. the Government of a foreign country.”

In view of the aforesaid provisions this application is returned. It would be open for the applicant to approach the appropriate forum.

Kalyan Jyoti Sengupta, CJ.

Date: 10.04.2015

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