

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.4768 of 2013

Date of Decision.03.08.2015

The Wadala Wiram Cooperative, Labour and Construction Society Ltd.
.....Petitioner

Versus

The Municipal Corporation, Amritsar and othersRespondents

Present: Mr. S.K. Mahajan, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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

-.-

K. KANNAN J. (ORAL)

1. The petitioner has resorted to a process which is not tenable in law, for, any complaint of a dispute between the parties as not having been referred to arbitration in the manner contemplated, the procedure will be to apply under Section 11 of the Arbitration and Conciliation Act to have an Arbitrator appointed through the intervention of the Chief Justice or person nominated by him. The application under Sections 12, 13 and 14 of the Arbitration and Conciliation Act, 1996 before the Civil Court is incompetent. The petition has been dismissed. While dismissing the application, the Court has made some observations about the tenability of the petitioner's claim. I will clarify that none of the observations made by the Court below while dismissing the application will be binding, for, the petition before the Civil Court itself is not competent for consideration of any issue relating to arbitration except in

the manner contemplated under Section 9 of the Arbitration and Conciliation Act for interim orders or for consideration of ground for setting aside an award in the manner contemplated under Section 34 of the Arbitration and Conciliation Act. There are also provision of appeal but the original jurisdiction will be confined only to the above two procedures.

2. The revision petition is dismissed with the above observations.

(K. KANNAN)
JUDGE

August 03, 2015
Pankaj*