

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.24046 of 2015

Date of decision: 17.11.2015

Standard Corporation India Ltd.

...Petitioner

Versus

M/s Punch Auto and another

...Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. Tribhawan Singla, Advocate for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

Challenge in the present writ petition is for quashing of orders dated 29.9.2015, 12.10.2015 and 23.10.2015 (Annexures P/4, P/5 and P/7 respectively) passed by respondent no.2-sole Arbitrator appointed under the Micro Small and Medium Enterprises Development Act, 2006.

The ground for challenge is that respondent no.1 has filed a company petition in this Court and therefore having resorted to various other remedies, proceedings before the Arbitrator should be set aside.

A perusal of the order dated 29.9.2015 (Annexure P/4) would go on to show that the case was fixed for filing affidavit for 12.10.2015 before the Arbitrator. On the said date, affidavit of Mr. C.B.Goel, proprietor of respondent no.1 company was tendered and his cross-examination was deferred to 23.10.2015. The said person was then cross-examined on 23.10.2015 (Annexure P/7) by the counsel for the petitioner and now the case is fixed tomorrow for evidence of the petitioner.

Thus, it is apparent that the petitioner has joined the arbitration proceedings and accepted the jurisdiction as such. Mere pendency of the company petition in which the petitioner is yet to file reply would not be a ground to quash arbitration proceedings jurisdiction of which the petitioner has already submitted to. It is always open to the petitioner to raise all his defences available in the company petition or in the arbitration proceeding.

Accordingly, there is no scope for interference in the present writ petition and the same is dismissed in limine.

November 17, 2015
Pka

(G.S.SANDHAWALIA)
Judge

