

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No. 5687 of 2015(O&M)

Date of decision : 11.05.2015

R.K.Electric Automation Ltd.

..... Petitioner

versus

The Micro and Small Medium Enterprise

Facilitation Council and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Ms.Priyanjali Singh, Advocate for the petitioner.

Mr.Ashok Singh Chaudhary, Addl.AG, Haryana

for respondent No.1.

Mr.Ashwani Talwar, Advocate for respondent No.2.

Mr.Sudhanshu Makkar, Advocate for respondent No.3.

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?

AJAY TEWARI, J. (Oral)

Replication has been filed and the same is taken on record.

In this case the petitioner had challenged the initiation of arbitration proceedings by respondent No.1. The precise grievance of learned counsel for the petitioner which was recorded on 25.03.2015 was as follows:-

“ From the very beginning the petitioner has objected to the jurisdiction of the Arbitral Tribunal but instead of deciding on the objection regarding jurisdiction as enjoined by Section 16(5) of the Arbitration and Conciliation Act, 1996, the Arbitral Tribunal is proceeding with the arbitration.”

Today learned counsel for respondent No.2 states that he would have no objection if the arbitrator of the Arbitral Tribunal first decides the objection of jurisdiction. Learned Addl.AG who has appeared for respondent No.1 also has no objection to this course of action being followed.

In the circumstances this petition is disposed of with the direction(in terms of the agreement between the learned counsel for the respondents) that the respondent No.3 will first decide on his own jurisdiction before proceeding to decide on the claim on merits in accordance with law.

Since the main case has been decided, the Civil Misc. Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

May 11, 2015
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