

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISC. CIVIL APPLICATION NO.175 OF 2015

Albilal Group of General Contract Ltd. .. Applicant
Vs.
Bharat Heavy Electricals Limited .. Respondent

Mr.Hiroo Advani a/w Mr.Yusuf Sheikh a/w Mr.Deepak Lad i/by
M/s.Advani & Co. for the applicant.

Mr.Ameya Gokhale a/w Mr.Akash Menon a/w Ms.Salonee Kulkarni
for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 18th July 2016

P.C.

. By this application, the applicant seeks transfer of the Miscellaneous Civil Application No.501 of 2012 which is filed by the respondent herein under Section 34 of the Arbitration and Conciliation Act, 1996 inter alia praying for setting aside the impugned final award rendered by the learned arbitrator in favour of the petitioner herein.

2. Learned counsel appearing for the respondent raises a strong objection to the prayer sought in the present petition for transferring the proceedings filed by the respondent before the District Court, Nagpur to this Court on the ground that the arguments in the said Miscellaneous Civil Application No.501 of 2012 in so far as the respondent are concerned have already been concluded.

3. Learned counsel for the respondent invited my attention to the roznama in the said proceedings dated 4th July 2016 recording these

facts and has fixed the matter for conclusion of the arguments of the petitioner herein for hearing on 19th July 2016. Learned counsel also invited my attention to the application made by the petitioner before the District Court, Nagpur for adjournment on the ground that the learned senior advocate representing the petitioner herein was not available on the last date of hearing.

4. Mr.Advani, learned counsel for the applicant however led emphasis on the issue that the District Court, Nagpur has no jurisdiction to entertain the arbitration petition filed under Section 34 of the Arbitration and Conciliation Act, 1996 on the ground that the seat and venue of the arbitration was at London and Part-I of the Arbitration and Conciliation Act, 1996 would not apply.

5. At this stage, I am not inclined to decide the issue whether the District Court, Nagpur has jurisdiction to entertain the said arbitration petition filed under Section 34 of the Arbitration and Conciliation Act, 1996 by the respondent or not. I am, however, of the view that since the arguments in the said Miscellaneous Civil Application No.501 of 2012 are not only commenced but in so far as the respondent herein is concerned are already concluded and the matter is now kept for arguments of the petitioner, I am not inclined to transfer the said Miscellaneous Civil Application No.501 of 2012 to this Court on that ground.

6. It is made clear that this Court has not expressed any views on merits of the matter. All the contentions including the contention

raised by the petitioner herein on maintainability of the Miscellaneous Civil Application No.501 of 2012 before the District Court, Nagpur and all other issues raised in that matter are kept open.

7. Miscellaneous Civil Application is accordingly dismissed.
No order as to costs.

R.D. DHANUKA, J.