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

FAO-2810-2016 (O&M)

Date of decision : 15.07.2016

ICOMM TELE Ltd. Trendset Towers

... Appellant

Versus

Shree Balaji Construction Company Govt. Contractor and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Sumit Jain, Advocate
for the appellant.

Mr. P.S. Rana, Advocate
for the respondent.

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?

AMIT RAWAL, J. (ORAL)

CM-10369-CII-2016

For the reasons stated in the application which is supported by
an affidavit, the delay of 103 days in filing the appeal is condoned.

CM stands disposed of.

FAO-2810-2016 (O&M)

The appellant is aggrieved of the impugned order dated
31.10.2015, whereby the objections under Section 34 of the Arbitration and
Conciliation Act, 1996 (hereinafter called 'the 1996 Act') have been
returned back on the ground that the principal court at Ludhiana did not
have the jurisdiction.

Mr. Sumit Jain, learned counsel appearing on behalf of the

appellant submits that the contract was entered into at Ludhiana and after rendering of the Award by the Arbitrator at Chandigarh, either the Court of Chandigarh or the Ludhiana would have jurisdiction to entertain the objections and rightly so, the objections have been filed before the principal court at Ludhiana. There is no adjudication of the objections on merits.

Mr. P.S. Rana, learned counsel appearing on behalf of the respondent(s) submits that either the Court of Chandigarh or the Ludhiana would have jurisdiction to entertain the objections. The Objecting Court should not have thrown the objections on account of territorial jurisdiction and should have been decided on merits.

I have heard the learned counsel for the parties and appraised the paper book and of the view that it is a conceded position that once, the contract had taken place at Ludhiana and though the arbitration proceedings, the award has been pronounced at Chandigarh, both the Courts would have jurisdiction to try and entertain the objections. The Objecting Court should have examined this aspect instead of relegating the party to file the objections at Chandigarh.

For the foregoing reasons, the impugned order dated 31.10.2015 is hereby set aside and the matter is remanded back to the Objecting Court, Ludhiana to decide the objections on merits in accordance with law.

Learned counsel for the parties and as well as the parties are directed to appear before the Objecting Court on 01.08.2016.

With the aforesaid observations, the appeal stands disposed of.

(AMIT RAWAL)
JUDGE

15.07.2016
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