

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

FAO No. 3112 of 2016 (O&M)

Date of decision : May 30, 2016

Edelweiss Broking Ltd.

..... Appellant

Versus

Mr. Pankaj Sardana

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Vikram Punia, Advocate
for the appellant.

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).

After arguing for sometime, learned counsel appearing on behalf of the appellant submits that the arbitrator was appointed in terms of the agreement and the arbitration proceedings were held at Delhi. Even the transaction involved in the aforementioned case was either at Bombay or at Delhi. Realizing the fact that the objections were to be filed at Delhi in view of the ratio decidendi culled out by Hon'ble Supreme Court of India in **State of West Bengal Vs. Associated Contractors AIR 2015 SC 260** seeks leave of this Court for disposal of the appeal with liberty to file the objections against the award, in a competent Court at Delhi, though the aforementioned provisions of law do not fall within the ambit of Section 42 of the Arbitration and Conciliation Act, 1996.

He further submits that period spent in filing the

objections and appeal may be condoned.

I have heard learned counsel for the appellant and appraised the paper book and of the view that as per Section 42 of the Arbitration and Conciliation Act, 1996 and following the principles as interpreted by the Hon'ble Supreme Court in **West Bengal's case (supra)** whereby provisions of Section 8 and 11 of the Arbitration and Conciliation Act, 1996 have been debated upon and it has been held that jurisdiction of the principal court in such matters will be invoked at places where the arbitration proceedings are pending or decided.

In view of the aforementioned, I am of the view that since the arbitration proceedings were held at Delhi and objections in this regard at Chandigarh were not maintainable. Accordingly the objections, in this regard are treated to be withdrawn with liberty to file the same in a competent court of law subject to the condition that in case, the objections are filed within a period of one month, the delay in filing the same may be considered to be condoned by invoking the provisions of Section 14 of the Limitation Act, 1963.

The appeal stands disposed of.

(AMIT RAWAL)
JUDGE

May 30, 2016
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