

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

TA No. 124 of 2016

Date of decision: 30.3.2016

Uttar Haryana Bijli Vitran Nigam Limited and another

.. Applicants

Vs.

M/s Jay Bee Industries and others

... Respondents

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Ashwani Talwar, Advocate
for the applicants.

Mr. Sourabh Goel, Advocate
for respondent No.1.

Mr. Shivendra Swaroop, AAG, Haryana
for respondent No.3.

RAMESHWAR SINGH MALIK, J. (Oral)

Applicant, by way of instant transfer application under Sections 22 and 23 of the Code of Civil Procedure, 1908, read with Section 42 of the Arbitration and Conciliation Act, 1996 ('the Act' for short), seeks transfer of objection petition under Section 34 of the Act filed by the decree holder, from Chandigarh to Panchkula.

Notice of motion was issued.

Heard learned counsel for the parties.

It has gone undisputed before this Court that after

conclusion of the arbitration proceedings, applicants filed their objection petition under Section 34 of the Act before the learned court of competent jurisdiction at Panchkula. The respondent-decree holder put appearance in the said case at Panchkula and did not raise any objection regarding jurisdiction. However, at a later point of time, decree holder also filed objection petition under Section 34 of the Act before the learned court at Chandigarh, vide Annexure P-2. Both the objection petitions against the same arbitration award filed by the parties are going on before different courts at Chandigarh and Panchkula, which has necessitated filing of instant transfer application.

In view of the abovesaid undisputed fact situation obtaining in the present case, this Court is of the considered opinion that instant application deserves to be allowed, so that both the identical objection petitions filed by both the parties under Section 34 of the Act against the same arbitration award are heard and decided by the same court, so as to avoid any contradictory orders.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that instant application deserves to be accepted and the same is hereby allowed. Objection petition under Section 34 of the Act filed by the respondent-decree holder vide Annexure P-2, pending consideration before the learned court at Chandigarh, is ordered to be transferred to Panchkula. Accordingly, the learned District Judge, Chandigarh, is directed to send complete

record of the objection petition under Section 34 of the Act, filed by the respondent-decree holder vide Annexure P-2, to the learned District Judge, Panchkula, at an early date but in any case within a period of one month from the date of receipt of certified copy of this order. The learned District Judge, Panchkula, is also directed to assign the case to the same court who is already hearing the similar objection petition filed by the applicant, for an early decision, in accordance with law.

With the abovesaid observations made and directions issued, present transfer application stands disposed of, however, with no order as to costs.

**(RAMESHWAR SINGH MALIK)
JUDGE**

30.3.2016
AK Sharma