

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

**TA No.332 of 2016
Date of decision: 02.02.2017**

M/s Mahashiv Promoters Pvt. Ltd., Rohtak

... Applicant

Vs.

**Haryana State Roads and Bridges Development Corporation Ltd. and
others**

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Tribhuvan Dahiya, Advocate
for the applicant.

Ms. Ankita Bajaj, Advocate for
Mr. Amar Vivek, Advocate
for the respondents.

RAMESHWAR SINGH MALIK, J. (ORAL)

Applicant, by way of instant transfer application under Section 24 read with Section 151 of the Code of Civil Procedure, seeks transfer of Arbitration Application No.2 dated 16.04.2014 titled as M/s Mahashiv Promoters Pvt. Ltd., Rohtak Vs. Managing Director, Haryana State Roads and Bridges Development Corporation Ltd. and others from Gurgaon to Panchkula.

Notice of motion was issued and in the meantime, further proceedings were stayed.

Heard learned counsel for the parties.

Placing reliance on the order dated 28.08.2014 (Annexure P-4) passed by learned District Judge, Panchkula, whereby it was held that only the Court at Panchkula would have the jurisdiction and said order passed by learned District Judge, Panchkula was also upheld by this Court vide order dated 01.03.2016 passed in Civil Revision No.6219 of 2014 (Annexure P-5), learned counsel submits that instant transfer application deserves to be accepted, so that both the Arbitration Applications filed by the parties at Gurgaon and Panchkula are heard and decided together to avoid any contradictory orders.

Faced with the above, learned counsel for the respondents also fairly states that she has got no objection in case the present transfer application is allowed and Arbitration Application No.2 dated 16.04.2014 filed by the applicant at Gurgaon is ordered to be transferred to Panchkula.

In view of the above conceded position, present transfer application is allowed.

Consequently, learned District Judge, Gurgaon is directed to send complete record of Arbitration Application No.2 dated 16.04.2014 titled as M/s Mahashiv Promoters Pvt. Ltd., Rohtak Vs. Managing Director, Haryana State Roads and Bridges Development Corporation Ltd. and others 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 Arbitration Application No.2 dated 16.04.2014 titled as M/s Mahashiv Promoters Pvt. Ltd., Rohtak Vs. Managing Director, Haryana State Roads and Bridges Development Corporation Ltd. and others to the same Court, which is

already seized of Arbitration Application No.13 dated 18.04.2014 (Annexure P-3) so that the learned Court of competent jurisdiction at Panchkula may decide both these Arbitration Applications together to avoid contradictory orders, 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

02.02.2017
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No