

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

Date of decision: 7.11.2017

1. **TA No.932 of 2017(O&M)**

M/s Aggarwal Rice MillApplicant

VERSUS

Haryana State Warehousing Corporation and anotherRespondents

2. **TA No.935 of 2017(O&M)**

M/s Radha Rice MillApplicant

VERSUS

Haryana State Warehousing Corporation and anotherRespondents

3. **TA No.936 of 2017(O&M)**

M/s Shiv Shakti InternationalApplicant

VERSUS

Haryana State Warehousing Corporation and anotherRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Rajshekhar, Advocate for the applicant.

REKHA MITTAL, J.

This order will dispose of TA Nos.932, 935 and 936 of 2017
as common questions of law and fact are involved for adjudication. For
brevity, facts are taken from TA No.932 of 2017.

Counsel for the applicant has submitted that dispute between the parties was referred to the Arbitrator appointed vide order dated 30.10.2015 passed in petition under Section 11 of the Arbitration and Conciliation Act, 1996 (in short 'the Act'). The Arbitrator made the award dated 28.11.2016 (Annexure A-1). Against the award, the applicant filed objection application under Section 34 of the Act (Annexure A-2) before the Court of District Judge, Panchkula. The respondents filed an objection application under Section 34 of the Act (Annexure A-3) before the Court of District Judge, Ambala. It is argued that as the parties to the arbitral award have filed objection applications before two different Courts, in order to avoid passing of contradictory judgments and in the interest of justice, the application filed by the respondent may be transferred to the Court of District Judge, Panchkula which is seized of the objection application filed by the applicant.

I have heard counsel for the applicant, perused the paper-book particularly various annexures appended with the petition.

Sh. Subhash Chander as partner of M/s Aggarwal Rice Mill filed objection application dated 21.03.2017 before the Court of District Judge, Panchkula. The respondents filed objection application dated 25.02.2017 before the Court of District Judge, Ambala. In arbitration case, there would be an issue as to which Court has jurisdiction to entertain the objection petition, to be decided in the light of arbitration clause as well as the provisions of Section 42 of the Act. The said question of jurisdiction is not amenable for adjudication in transfer application and rather is to be decided by a competent Court seized of the matter. That being so, plea of the applicant for transfer of the objection application filed by the

respondents from the Court at Ambala to the Court at Panchkula cannot be entertained much less accepted.

For the foregoing reasons, the applications are dismissed. No order as to costs.

NOVEMBER 7, 2017
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no