

\$~43

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **TR.P.(C.) 173/2017**

JUPITER RUBBER PVT LTD

..... Petitioner

Through: Mr. Ashok Jain, Mr. Pankaj Jain, Advs.

Versus

UNION OF INDIA

..... Respondent

Through: Mr. Dev P. Bhardwaj, CGSC with
Mr. Satya Prakash Singh, Adv. for UOI

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

%

06.11.2017

CM No.39759/2017 (exemption)

1. Allowed subject to all just exceptions.
2. The application is disposed of.

TR.P.(C.) 173/2017

3. Transfer, invoking Section 24 of the CPC, is sought of Arbitration Case No.6198/2017 titled 'Union of India Vs. Jupiter Rubber Pvt. Ltd.' pending in the Court of Additional District Judge-03, Patiala House Courts, New Delhi to this Court to be tagged along with O.M.P.(Comm.) No.365/2017 of this Court.
4. The counsel for the respondent appears on advance notice.
5. It is informed that both proceedings are under Section 34 of the Arbitration and Conciliation Act, 1996 with respect to the same arbitral award and the total value of the claims/counter claims was in excess of Rs.1 Crore.

6. I have enquired from the counsel for the respondent that if that was so, where was the need to file the petition under Section 34 before the District Court. The counsel for the respondent states that he will have to enquire from the counsel who filed the same before the District Court.

7. Though it appears that the respondent, by not filing the petition within time in the appropriate Court, has lost its right to challenge the arbitral award, but since in the present case the petitioner himself is seeking transfer and which would obviate the need for the respondent to file the petition in this Court, the petition is allowed.

8. Arbitration Case No.6198/2017 titled Union of India vs. Jupiter Rubber Pvt. Ltd. pending in the of the Court of Additional District Judge-03, Patiala House Courts, New Delhi is transferred to this Court to be tried along with O.M.P.(Comm.) No.365/2017 of this Court.

9. The transferor court to forthwith physically transfer the file.

10. The transferred proceedings to be listed before this Court on 8th December, 2017 when O.M.P.(Comm.) No.365/2017 is stated to be listed and before the same Bench.

RAJIV SAHAI ENDLAW, J.

NOVEMBER 06, 2017
pk..