

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

C.R. No.2171 of 2018

Date of Decision.03.04.2018

M/s Supreme Securities Ltd.

.....Petitioner

Vs

Sanjeev Kumar and another

.....Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Vaneet Soni, Advocate
for the petitioner.

-:-

AMIT RAWAL J.(ORAL)

The present revision petition has been filed by invoking the superintending power of this Court under Article 227 of the Constitution of India for direction to the Principal Court at Karnal for deciding the application (Annexure P-3) seeking dismissal of the objection petition filed purportedly under Section 34 of the Arbitration and Conciliation Act, 1996 against the arbitral award dated 23.09.2015 (Annexure P-1) on the premise that the arbitration proceedings were decided at Panipat whereas as per Section 42 of the Arbitration and Conciliation Act, 1996, the Principal Court at Karnal would not have territorial jurisdiction to entertain the objection.

Mr. Soni, learned counsel appearing on behalf of the petitioner submits that the decree holder has filed the execution application in the Karnal Court, for, the respondents are residents of Karnal. By taking the advantage, the objections at the behest of the judgment debtor i.e. respondent has been filed. The award having trappings of decree, therefore, remedy of filing the objections could not have been availed in the Karnal

being decided as the focus of the Court was laid on both the petitions i.e. the execution application as well as the objections. There is no automatic stay in case the objections under Section 34 are filed against the Award, in view of the judgment rendered by the Hon'ble Supreme Court in **Board of Control for Cricket in India Vs. Kochi Cricket Pvt. Ltd. and etc.** passed in Civil Appeal No.2879-2880 of 2018 on 15.03.2018 wherein it has been held that any objection petition filed after the amendment caused in the year 2015 in the Arbitration and Conciliation Act, 1996 would not amount to automatic stay and the judgment debtor is required to move an independent application for stay of the award.

I have heard learned counsel for the petitioner, appraised the paper book and of the view that it is a fit case where appropriate direction is to be given as facts of the present revision petition as well the application (Annexure P-3) revealed that the arbitration proceedings were concluded at Panipat whereas the objections have been filed at Karnal. The Karnal Court, according to the petitioner, would not have jurisdiction as per Section 42 of the Arbitration and Conciliation Act, 1996. I would not be commenting upon the merits and de-merits of the case, as it may not take away the right of both the parties for adjudication of the application (Annexure P-3), keeping in view the ratio decidendi culled out by Hon'ble Supreme Court in **Board of Control for Cricket in India Vs. Kochi Cricket Pvt. Ltd. and etc.** that the Court is required to adjudicate upon the application for dismissal of the objection petition before deciding the execution application, therefore, there is no automatic stay of the objections under Section 34 of the 1996 Act. The prayer in the application (Annexure P-3) is not only confined to territorial jurisdiction but also with regard to

fact that pendency of the objection petition would not be tantamounting to stay and therefore, there would not be impediment for the petitioner-decree holder to seek execution of the award.

Accordingly, the revision petition is disposed of with direction to the District Judge/Principal Court, Karnal to dispose of the application (Annexure P-3) as expeditiously as possible and preferably within a period of two months from the date of receipt of certified copy of this order.

(AMIT RAWAL)
JUDGE

April 03, 2018
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No