IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 761 of 2018 (O&M)
Date of decision : March 26, 2018

M/S Raja Rice & General Mills

..... Appellant

v.

Punjab State Civil Supplies Corporation Ltd and others

..... Respondents

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CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

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Present : Mr. Mukand Gupta, Advocate
for the appellant.

Mr. ADS Jattana, Advocate
for respondents No.1 and 2.

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Ajay Tewari, J (Oral)

This appeal has been filed against the judgment of the Additional District Judge, Ferozepur dismissing an application moved by the appellant under Section 34 of the Arbitration and Conciliation Act, 1996 on the ground that since the arbitration had been conducted at Chandigarh it would only be the Court at Chandigarh which had the jurisdiction and the Court at Ferozepur would not have the jurisdiction.

Counsel for the appellant has argued that the situs for arbitration can never confer jurisdiction on a Court because by an agreement parties may have the arbitration any where in the world. As per him, the decisions of the Supreme Court in M/S Bhandari Udyog Limited v.

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Industrial Facilitation Council (SC) 2015(2) RCR (Civil) 918 and of this Court in Manjit Singh Bedi v. M/S L&T Finance Ltd, FAO No.3328 of 2014, decided on 17.3.2016 have been misinterpreted by the Court below.

Counsel for the respondents has not been able to deny this.

Resultantly, this appeal is allowed and the impugned order is set aside. The matter is remitted back to the Court below to decide it afresh in accordance with law. Parties, through their counsel, are directed to appear before the Court below on 23.4.2018.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

(AJAY TEWARI)
JUDGE

March 26, 2018
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No