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

+ ARB.P. 519/2017, I.A. 3974/2018

GOLDEN M.P. CHIT FUND PVT. LTD. Petitioner

Through: Mr. Vishal Saxena, Adv.

versus

SUNIL KUMAR & ORS. Respondents

Through: Mr. Ishu Arora, Ms. Parul Ghosh,
Adv. for R-2 & 3.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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21.05.2018

This petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') has been filed by the petitioner seeking appointment of an Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the Agreement dated 05th November, 2007 executed between the petitioner and husband of the respondent no. 1 as also the Agreement of Guarantee executed between the petitioner and respondent nos. 2 and 3.

The Agreement dated 05th November, 2007 contains an arbitration agreement in form of Clause – 10, which is reproduced herein under;

“10. That the successful bidder agrees to refer to all disputes will respect to the said chit to the Courts of Haryana/National Capital Region and in case the matter is referred to Arbitration then both the parties agree to refer the case to Sole Arbitrator Sh. Sanjay Kumar. The arbitration will be held in National Capital Region and the award/decision of the said arbitrator shall be

final and binding upon them.”

Similarly, the Agreement of Guarantee also contains arbitration agreement in similar words and in form of Clause-12 which is reproduced herein under,

“12. That the Guarantors agree to refer all disputes with respect to the said chit to Courts of Haryana & National Capital Region in case, In case the matter is referred to Arbitration, the guarantors agree to refer the case to Sole Arbitrator Sh. Sanjay Kumar. The arbitration will be held in National Capital Region and the award I decision of the said arbitrator shall be final and binding upon them.”

As the Courts of Haryana/National Capital Region have been vested with the exclusive jurisdiction in terms of the Agreement(s), this court would not have territorial jurisdiction to adjudicate on the present petition.

In my opinion, the words National Capital Region have to take their colour from the preceding words “Courts of Haryana” and therefore, would confer jurisdiction only in the Courts at Haryana.

The petition along with pending application are accordingly dismissed leaving it open to the petitioner to file the same before the court of appropriate jurisdiction.

NAVIN CHAWLA, J

MAY 21, 2018

Pallavi