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IN THE HIGH COURT OF DELHI AT NEW DELHI

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TR.P.(C.) 193/2018 & CM APPL. 42705-42706/2018

CHALLEN INTERNATIONAL (INDIA) PVT LTD..... Petitioner

Through: counsel for petitioner.

versus

M/S PAPTECH INDIA PVT LTD

..... Respondent

Through

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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12.10.2018

Vide the present petition, the petitioner seeks the transfer of arbitration case No.60975/2016 under Section 34 of the Arbitration and Conciliation Act, 1996 titled as ***Challen International Pvt. Ltd. Vs. Paptech India Pvt. Ltd.*** pending before the Court of the ADJ-03 (West), Tis Hazari Courts, Delhi to the Court of the ADJ-03, Patiala House Courts, New Delhi where the proceeding in relation to Arbitration case no.1284/2016 titled as ***ANJ Pvt. Ltd. vs Challen International (India) Pvt. Ltd.*** is pending submitting to the effect that both these proceedings were pending as OMP (COMM) 399/2016 & OMP (COMM) 400/2016 before this Court and due to change of pecuniary jurisdiction vide order dated 18.11.2016 were transferred to the respective District Courts and that the matter involved in both the proceedings is the same inasmuch as the impugned awards are of the same date and deal substantially with the same issues.

A bare perusal of the proceedings dated 18.11.2016 before the

Joint Registrar (Judicial) in OMP (COMM) 399/2016 & OMP (COMM) 400/2016 clearly indicate that the office of the respondent Paptech India Pvt. Ltd. in OMP (COMM) 399/2016 is situated at East Patel Nagar, New Delhi falling within the jurisdiction of the West District and the office of the respondent in OMP (COMM) 400/2016 is situated at Shanti Kunj, Vasant Kunj, New Delhi i.e. ANJ Pvt. Ltd. within the jurisdiction of New Delhi District, Patiala House Courts. Furthermore, the cause of action in each of the cases is different. Apparently, evidence led in each case is different and the claims are also different. In the circumstances, there cannot be any order for consolidation or transfer of the two proceedings before two District Courts.

The petition TR.P.(C.) 193/2018 and the accompanying applications are declined.

ANU MALHOTRA, J

OCTOBER 12, 2018

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