

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.151 of 2018

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M/s Yes Motors Pvt. Ltd. , a Private Limited Company incorporated under the provisions of Companies Act, 1956, having its registered office at 71, Adharshila Complex, South Gandhi Maidan, P.S.- Gandhi Maidan, Distt.- Patna thorough its Managing Director Mr. Vijay Singh, S/o Shri Nand Kishore Singh, R/o Flt No.101, Prince Residency Apartment, New Patliputra Colony, Patna.

... .. Petitioner/s

Versus

Ajax Fiori Engineering (India) Private Limited, a Private Limited company incorporated under the Companies Act, 1956, and having its Registered Office at No.253/1, 11th Main Road, 3rd Phase, Peenya Industrial Area, Bangalore-560 058, represented herein by its Managing Director Mr. K. Vijay

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Puneet Siddhartha, Adv. Mr. Aryan Sinha, Adv.
For the Respondent/s	:	Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 26-07-2019

Heard learned counsel for the applicant.

The contention raised is that the Chief Justice of the Patna High Court has the territorial jurisdiction under Section 11(6) of the Arbitration and Conciliation Act, 1996 to appoint the arbitrator.

Clause 18.6.b of the agreement is extracted hereinunder:

“In the event of any dispute or difference arising out of this Agreement and the obligations thereunder (each a “**Dispute**), the Parties shall in good faith negotiate to find an amicable solution. Any Party may give written notice of a Dispute to the other Parties.



If the Dispute cannot be resolved in a satisfactory manner within thirty (30) days from the time the Parties commence amicable attempts to settle the same, the Dispute shall be referred to, and be finally settled by, arbitration. The Dispute shall be adjudicated by a sole arbitrator. The decisions of the Arbitration and Conciliation Act, 1996 or any other statutory amendment, for the time being in force, shall apply. **The venue of arbitration shall be Bangalore, and the arbitration proceedings shall be rendered in English. The Parties shall be entitled (but not obliged) to enter judgment thereon only in the Courts at Bangalore.”**

A perusal of the same clearly leaves no room for doubt that the venue of arbitration shall be Bangalore. Consequently, I do not find any reason to entertain this application which is hereby rejected without prejudice to the right of the applicant to approach the Karnataka High Court for invoking the jurisdiction under Section 11(6) of Arbitration and Conciliation Act, 1996.

(Amreshwar Pratap Sahi, CJ)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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