

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 12554 of 2018(O&M)
Date of decision: 08.05.2019

Ramesh Khaneja

... Petitioner

Vs.

Emaar MGF Land Limited, a company incorporated under the Companies Act, 1956

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. H.P.S. Bhinder, Advocate
for the petitioner.

Mr. Shekhar Verma, Advocate for the respondent.

AMIT RAWAL J. (Oral)

Prayer in the present writ petition filed under Article 227 of the Constitution of India for transferring of Arbitration case No. 87 of 2017 dated 4.8.2018, titled as 'Ramesh Khaneja vs. Emaar MGF Land Limited' under Section 34 of the Arbitration and Conciliation Act, 1996 (for short 1996 Act), pending in the Court of Additional District Judge-cum-Special Commercial Court, No.5, Gurugram against the award dated 27.12.2016 (Annexure P-1).

It is matter of record that the respondent had also filed objections prior in time i.e. in Arbitration Case No. 635 of 2017 titled as Emaar MGF Land Limited vs. Ramesh Khaneja under Section 34 of the 1996 Act at Chandigarh.

Mr. H.P.S. Bhinder, learned counsel appearing on behalf of the petitioner submitted that the arbitration proceedings were held at Chandigarh but the petitioner filed objections at Gurugram. He has further submitted that both the objections petitions being against the same award may be consolidated at one place.

Mr. Shekhar Verma, learned counsel appearing on behalf of the respondent submitted with the consent of the parties that the arbitration proceedings were held at Chandigarh and accordingly, respondent had rightly filed objections against the award dated 27.12.2016 at Chandigarh which is prior in time than the petitioner.

I have heard learned counsel for the parties and perused the paper book.

Section 42 of the 1996 Act provides if in respect to an arbitration agreement any application is made in the Court, that Court alone shall have the jurisdiction over the arbitral proceedings. Since, the application under Section 34 of the 1996 Act filed by the respondent is prior in time, against the petitioner, at Chandigarh, the second application, pending in the court of Additional District Judge-cum-Special Commercial Court No.5, Gurugram, cannot be permitted to continue at Gurugram. Resultantly, the same is ordered to be transferred to the Court of Additional District Judge-cum- Commercial Court No.3, Chandigarh, where the objection petition bearing No. 635 of 2017 dated 3.8.2017 , titled as Emaar MGF Land Limited vs. Ramesh Khaneja, is pending for adjudication. The Additional District Judge-cum- Commercial Court No.3, Chandigarh is directed to decide both the objections together.

The writ petition stands disposed of.

(AMIT RAWAL)
JUDGE

08.05.2019
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Whether Speaking/Reasoned Yes/No
Whether Reportable Yes/No