

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

FAO No.6761 of 2017 (O&M)
Date of Decision: January 29, 2019

M/s Shivam Gram Udyog Samiti

...Appellant

Versus

Punjab State Warehousing Corporation Limited and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Tribhawan Singla, Advocate
for the appellant.

Mr. Tarun Seth Advocate
for respondent No.1.

JAISHREE THAKUR, J. (Oral)

1. This is the first appeal that has been filed seeking to challenge the order dated 16.08.2017 passed by the Additional District Judge, Bathinda dismissing the objections filed by the appellant herein under Section 34 of the Arbitration and Conciliation Act, 1996 for setting aside the impugned award of the Arbitrator dated 27.11.2015.

2. Learned counsel for the appellant urges that the objections have been dismissed primarily on the ground that the same have been filed at Bathinda whereas, they ought to have been filed at Chandigarh where the arbitration proceedings were held, holding that the courts at Bathinda had no jurisdiction. Learned counsel for the appellant contends that an opportunity ought to have been given to the appellant herein to present the

objections at Chandigarh. It is contended that while dismissing the objections, the Addl. District Judge, Bathinda should have returned the objections for re-filing/presenting the same before the competent court or ought to have transferred the same or ought to have given the benefit of Section 14 of the Limitation Act to the appellant. Reliance in this regard has been placed upon ***Venture Global Engineering vs. Satyam Computer Services Ltd. & Anr., 2008(2) RCR (Civil) 12*** wherein it has been held that *“Even otherwise, if the court in question is not having jurisdiction in the interest of justice, the suit/proceeding has to be transferred to the court having competent jurisdiction.”* Learned counsel for the appellant also pointed out that the same court of the Addl. District Judge, Bathinda in the case of ***M/s Sudarshan Rice Mills vs. Punjab State Civil Supplies Corporation Limited and others, decided on 20.03.2018*** where similar issue had been involved, instead of dismissing the objections, returned the objections with the liberty to file the petition before the competent court at Chandigarh within 20 days.

3. On the other hand, learned counsel for respondent No.1 submits that the courts at Chandigarh have the jurisdiction in the matter, since the arbitration proceedings have been held at Chandigarh, as such, objections should have been filed at Chandigarh.

4. I have heard learned counsel for the parties and have gone through the pleadings of the case, apart from going through the case laws cited.

5. It is an admitted fact that the arbitration proceedings in the case in hand took place at Chandigarh and the courts at Bathinda have no

jurisdiction to entertain the objections so filed under Section 34 of Arbitration and Conciliation Act, 1996 and the same should have been filed at the competent court of Chandigarh. In view of the law laid down by the Apex Court in ***Venture Global Engineering vs. Satyam Computer Services Ltd. and another (supra)*** and decision rendered by this High Court in ***Manjeet Singh Bedi vs. L & T Finance Ltd., and others, FAO No.4635 of 2014 decided on 17.3.2016***, this court is of the considered view that the court of Addl. District Judge, Bathinda instead of dismissing the objections filed by the appellant under Section 34 of Arbitration and Conciliation Act, 1996, should have either returned or transferred the same.

6. Under these circumstances, the impugned order dated 16.08.2017 passed by the Addl. District Judge, Bathinda is not sustainable and the same is hereby set aside. The appellant herein is given liberty to file the objections before the competent court at Chandigarh within two weeks from the date of receipt of certified copy of this order. The appellant herein would be entitled to the benefit of Section 14 of Limitation Act.

7. The appeal stands allowed in the aforesaid terms.

January 29, 2019

vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No