

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RA-CR-173-2019 in FAO-317-2017
Date of decision: 08.11.2019

S.P. Singla Constructions Pvt. Ltd.

...Non-applicant/Appellant

Versus

BBR (INDIA) Pvt. Ltd.

...Applicant-respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Mukund Gupta, Advocate,
for the applicant-respondent.

Mr. Anirudh Wadhwa, Advocate,
for the non-applicant-appellant.

JAISHREE THAKUR, J. (ORAL)

1. This is an application that has been filed for review of the order dated 14.10.2019 passed in FAO No. 317 of 2017 whereby this Court has held that the Panchkula Court would have the jurisdiction to entertain the application under Section 9 of the Arbitration and Conciliation Act in respect to an agreement that has been entered into between the parties and the award passed therein.

2. Counsel appearing on behalf of the applicant-respondent seeks a review on the ground that an execution petition had already been filed under Section 36 of the Arbitration and Conciliation Act by the appellant before the Delhi High Court as the place of jurisdiction while further claiming that the appellant had not informed the Court about the pendency

of the execution proceedings.

3. Be that as it may, this Court has deliberated upon the issue whether or not the Courts at Panchkula have jurisdiction to entertain the application under Section 9 of the Arbitration and Conciliation Act after the passing of the award seeking interim relief and finds no ground to review the said order on the ground that execution had been filed before the High Court at Delhi. It is true that at that time this Court was not made aware of the pendency of those proceedings by counsel for the appellant but same is the position with the counsel for the respondent, who had already put in an appearance before the said Court. It is also true that the execution could have been filed in any place where the judgment debtor in terms of the award had assets and accordingly the execution petition appears to have been filed at Delhi.

4. Needless to say while dismissing the review application, the applicant-respondent is given liberty to take all pleas available to it in accordance with law while contesting the application filed under Section 9 of the Arbitration and Conciliation Act before the Court at Panchkula or any other remedy available to it in accordance with law.

08.11.2019

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes.
No.