

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 665 of 2020

Date of Decision: 30.01.2020

M/s Ansal Properties & Infrastructure Limited

... Petitioner(s)

Versus

M/s J.D.Construction

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal

Present: Mr. R.S.Randhawa, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

Undisputedly, the arbitration proceedings are pending before the Arbitrator. In the facts of the case, the Arbitrator has declined to entertain the statement of defence.

Section 5 of the Arbitration & Conciliation Act, 1996 (hereinafter referred to as “the Act”) clearly provides that no judicial authority shall intervene in the arbitration proceedings except where so provided in this part. Section 5 of the Act is extracted as under:

‘Section 5 Extent of judicial intervention.

Notwithstanding anything contained in any other law for the time being in force, in matters governed by this Part, no judicial authority shall intervene except where so provided in this Part”.

Phraseology used in Section 5 of the Act clearly indicates that

Section 5 starts with a non-obstante clause. Thus, Section 5 of the Act has

been kept at a higher pedestal from other provisions.

Keeping in view the aforesaid facts, this Court is of the considered view that when the proceedings are pending before the Arbitrator it would not appropriate for the Court to intervene and regulate the proceedings.

Learned counsel for the petitioner submits that fundamental right of the petitioner under Article 14 of the Constitution of India has been violated and, therefore, this Court has a jurisdiction to intervene.

In the considered view of this Court, such objection can only be raised by the petitioner in accordance with the procedure laid down in the Act. Hence, no ground is made out to interfere.

Dismissed.

(Anil Kshetarpal)
Judge

January 30, 2020
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No