

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 2438 of 2020

Date of Decision: 14.12.2020

M/s Madhava Brhamputra Consortium Limited

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Dheeraj Mahajan, Advocate
for the petitioner(s).
Mr. T.P.S.Chawla, Deputy Advocate
General, Punjab for the respondent.

Anil Kshetarpal, J.

This revision petition under Article 227 of the Constitution of India has been filed for seeking directions to the learned Executing Court to decide the *Execution Application No. 11 of 2020* titled as “*M/s Madhava Brahamputra Consortium Limited v. State of Punjab*” within a short period. The petitioner has already filed F.A.O. No. 3520 of 2019 against the order of learned Additional District Judge. The order passed on 31.05.2019 reads as under:-

“Learned counsel appearing on behalf of the appellant would inter alia contend that even though objections to the award were filed on 21.04.2017, the Addl. District Judge entertained the said objection petition but should have transferred the matter to the Commercial Court which had been set up vide notification dated 02.04.2016 at Amritsar. The second argument raised by learned counsel for the petitioner is regarding the jurisdiction of the Addl. District Judge to

entertain the matter since the award was passed at Delhi and arbitration proceedings conducted in Chandigarh.

Notice of motion only to respondents No.1 & 2 for 02.07.2019.

Process dasti as well.

In the meantime, operation of the impugned order of the Addl. District Judge, Jalandhar is stayed till the next date of hearing”.

Keeping in view the facts of the case, this Court considers it appropriate to direct the petitioner to file the application, if so advised, in the aforesaid pending appeal. In the considered opinion of the Court, filing of a separate civil revision, particularly when the matter is already subjudice in an appeal, would not be appropriate. Hence, the petitioner is relegated to the remedy of filing an application in the pending appeal.

With the observations made above, the present revision petition is disposed of.

(Anil Kshetarpal)
Judge

December 14, 2020

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No