

IN THE HIGH COURT OF ORISSA AT CUTTACK

ARBP No. 27 of 2022

Adarsha Swadeshi Bastu Vandar Petitioner
Private Ltd.

Mr. P.K. Parhi, Advocate

-versus-

Patanjali Ayurveda Limited and Opposite Parties
Another

Mr. Sohan Mishra, Advocate

CORAM:
THE CHIEF JUSTICE

Order No.

ORDER
16.12.2022

05. 1. Rejoinder affidavit filed by learned counsel for the Petitioner in Court today be served on learned counsel appearing for the Opposite Parties.
2. The concerned/relevant clause in the arbitration agreement reads as under:
- “All disputes will be settled through arbitrator appointed by PAL in Haridwar.”
3. It appears that the agreement between the parties was that the arbitration will take place in Haridwar. On this basis, an objection is raised by learned counsel for the Opposite Party that this Court lacks jurisdiction to entertain the present application under Section 11(6) of the Arbitration and Conciliation Act, 1996.

4. Mr. Parhi, learned counsel for the Petitioner argues that it is only after the Opposite Party failed to appoint an Arbitrator, the present petition was filed. According to him, since the Petitioner is located in Odisha and the agreement was signed in Odisha, this Court has jurisdiction to entertain the present application. He adds that after the amendment to the Arbitration and Conciliation Act, 1996 (Act) in 2015 the Opposite Party cannot on its own appoint an Arbitrator.

5. The issue here is not about which of the parties can appoint the Arbitrator. The issue is about where the arbitration is intended to take place. The question of the jurisdiction of the Court to entertain an application under Section 11(6) of the Act is determined by the clause in the arbitration agreement specifying the place of arbitration.

6. On a reading of the above clause, it is evident that the parties intended the place of arbitration to be Haridwar in Uttarakhand. Consequently, this Court lacks the jurisdiction to entertain the present application. This will however, not prevent the Petitioner from approaching the appropriate Court for relief.

7. The arbitration petition is disposed of.

(Dr. S. Muralidhar)
Chief Justice