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

**ARB No.327 of 2017(O&M)
Date of Decision: 28.10.2022**

**Himanshu Cooperative Group Housing Society Ltd.
.....Petitioner**

Vs

Chief Administrator HUDA and othersRespondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. O.P. Sharma, Advocate
for the petitioner.

Mr. Prateek Mahajan, Advocate and
Mr. Trideep Sharma, Advocate
for the respondents.

RAJ MOHAN SINGH, J.(Oral)

Petitioner has preferred this petition under Sections 13, 14 and 15 of the Arbitration and Conciliation Act, 1996 for terminating the mandate of the Arbitrator/respondent No.3 and for appointment of a new substituted Arbitrator in his place.

On 12.10.2022, following order was passed:-

*“Learned counsel for the respondents refers to **Swadesh Kumar Agarwal Vs. Dinesh Kumar Agarwal and others, 2022 SCC OnLine SC 556** to contend that if the mandate of Arbitrator is sought to be terminated on the ground that the sole Arbitrator has failed to act without undue delay, then the aggrieved*

party has to approach the concerned Court, which is defined under Section 2(e) of the Arbitration and Conciliation Act, 1996. The Court means the Principal Civil Court of original jurisdiction in the District having jurisdiction to decide the questions forming subject matter of arbitration if the same had been the subject matter of a suit.

Punjab and Haryana High Court is not the Court of original jurisdiction having jurisdiction to decide the questions forming subject matter of arbitration if the same is in the form of a civil suit.

Learned counsel for the petitioner seeks time to cite some case law to the contrary.

Adjourned to 20.10.2022.”

Evidently, the mandate of the earlier Arbitrator is sought to be terminated on the ground that the sole Arbitrator has failed to act without undue delay.

In view of **Swadesh Kumar Agarwal Vs. Dinesh Kumar Agarwal and others, 2022 SCC OnLine SC 556**, the aggrieved party has to approach the concerned Court defined under Section 2(e) of the Arbitration and Conciliation Act, 1996 i.e. the Principal Civil Court of original jurisdiction in the District having jurisdiction to decide the questions forming subject matter of arbitration if the same had been the subject matter of a civil suit.

In view of aforesaid provision, Principal Civil Court of original jurisdiction is the District Judge, Panchkula or any other

competent Court at Panchkula.

Learned counsel for the petitioner submits that keeping in view the pendency of the present petition since 2017, a direction be issued to the competent Court at Panchkula to decide the application to be filed by the petitioner at the earliest, preferably within a period of six months from the date of filing of such application.

Learned counsel for the respondents has no objection to the aforesaid course.

In view of facts and circumstances of the case, I deem it appropriate to dispose of this petition with a liberty to the petitioner to approach the Principal Civil Court of original jurisdiction at Panchkula. In the event of filing such an application under Sections 13, 14 and 15 of the Arbitration and Conciliation Act, 1996, the same shall be decided by the competent Court in accordance with law at the earliest, preferably within a period of six months from the date of filing of such application.

October 28, 2022
Prince

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No