

CWP No. 14771 of 2022

[1]

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No. 14771 of 2022

Date of decision: 15th March, 2023

Ram Narain Jain

Petitioner

Versus

State of Haryana and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. I. S. Pabla, Advocate for the petitioner.
Mr. Sharad Aggarwal, AAG, Haryana.

AVNEESH JHINGAN, J (Oral):

1. This writ petition in the nature of *Mandamus* is filed for extending the time to conclude the arbitral proceedings.
2. To settle the dispute between the parties, the arbitrator was appointed on 13.12.2017 and till date the proceedings are pending.
3. The petitioner filed an application under Section 29-A of Arbitration and Conciliation Act, 1996 (for short, 'the Act') before District Judge, Sonapat but the same was withdrawn with liberty to avail remedies as per law, hence the present petition.
4. Learned counsel for the State raises an objection that the application is maintainable before the District Judge.
5. Sections 2(e) and 29-A (5) of the Act are reproduced below:

“2. Definitions.-

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(e) “Court” means-

- (i) in the case of an arbitration other than international commercial arbitration, the principal Civil Court of original jurisdiction in a district, and includes the High Court in exercise of its ordinary original civil jurisdiction, having jurisdiction to decide the questions forming the subject-matter of the arbitration if the same had been the subject-matter of a suit, but does not include any Civil Court of a grade inferior to such principal Civil Court, or any Court of Small Causes;*
- (ii) in the case of international commercial arbitration, the High Court in exercise of its ordinary original civil jurisdiction, having jurisdiction to decide the questions forming the subject-matter of the arbitration if the same had been the subject-matter of a suit, and in other cases, a High Court having jurisdiction to hear appeals from decrees of Courts subordinate to that High Court.*

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29-A. Time-limit for arbitral award.-

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(5) The extension fo period referred to in sub-section (4) may be on the application of any of the parties and may be granted only for sufficient cause and on such terms and conditions as may be imposed by the Court. ”

6. As per Section 29(5) of the Act, the extension of time can be granted for a sufficient cause on the terms and conditions imposed by the court.
7. The 'Court' has been defined in Section 2(e) to mean principal Civil Court of original jurisdiction in the District and includes High Court in exercise of its original jurisdiction under which the subject-matter of the arbitration can be decided.
8. In the case in hand, the court concerned would be principal

Civil Court of original jurisdiction in the district.

9. Consequently, the writ petition is dismissed with liberty to the petitioner to approach the court of original jurisdiction in the district.

10. There is no doubt that in the eventuality of petitioner's filing an application under Section 29-A of the Act and making a request for expeditious disposal, the same would be considered in accordance with law.

[AVNEESH JHINGAN]
JUDGE

15th March, 2023
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1. Whether speaking/ reasoned

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Yes / No
2. Whether reportable

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Yes / No