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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH****FAO-1743-2021 (O&M)****Date of decision: 18th May, 2023**

Punjab State Warehousing Corporation through
its District Manager

...Appellant

Versus

M/s Shiva Rice Mills and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Aman Sharma, Advocate for the appellant.
Mr. A.K. Sharma, Advocate for respondents No. 1 to 6.

AVNEESH JHINGAN, J (Oral):

1. This appeal under Section 37 of the Arbitration and Conciliation Act, 1996 (for short, 'the Act') is filed aggrieved of dismissal of objections under Section 34 of the Act for want of territorial jurisdiction.

2. The brief facts are that the parties entered into an agreement for shelling of paddy for the crop year 1995-96. The dispute between the parties referred for arbitration culminated in award dated 3rd March, 2003. The appellant was held entitled to recovery Rs.14,79,450/- along with future interest of 21% per annum. The objections filed by the respondents were dismissed on 16th February, 2009. This Court in FAO-3857-2009 set aside the award, new arbitrator was appointed and thereafter arbitration proceedings were conducted at Mohali, the claim of the respondents was partly allowed. The objections filed by the appellant at Gurdaspur were dismissed for want of territorial jurisdiction.

3. Learned counsel for the appellant on instructions restricts the prayer that in the impugned order it has wrongly been mentioned that

competent Court shall be at Panchkula whereas the earlier arbitration was held at Chandigarh and subsequent at Mohali. He submits that in view of the decision of Supreme Court in *BGS SGS Soma JV v. NHPC Ltd., 2020(4) SCC 234*, appellant shall file the objections at Chandigarh Court and the same be directed to be decided expeditiously.

4. Learned counsel for the respondents in view of restricted prayer is not in a position to raise any substantial objections.

5. It is undisputed fact that there was no seat or venue determined as per the agreement. Initial arbitration was held at Chandigarh and subsequent at Mohali. It would not be out of place to mention here that Court at Gurdaspur at first instance had decided objections under Section 34 of the Act on merits.

6. In view of the restricted prayer made by learned counsel for the appellant, the present appeal is disposed of with a direction that the objections filed at Gurdaspur shall be returned in original for filing the same before the Court at Chandigarh.

7. During the pendency of the present appeal the execution proceedings were stayed. The interim protection granted by this Court shall continue for three weeks from today for enabling the appellant to pursue its remedy and to make a prayer for interim order before the Court concerned.

8. Since the main case is disposed of, pending application, if any is rendered infructuous.

[AVNEESH JHINGAN]
JUDGE

18th May, 2023

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No