

FAO No. 5068 of 2017

[1]

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

**FAO No. 5068 of 2017 (O&M)
Date of decision: 7th February, 2023**

The Haryana Tourism Corporation Ltd.

Appellant

Versus

Sunil Kumar and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vishal Garg, Advocate for the appellant.
Mr. Shailendra Jain, Senior Advocate with
Mr. Jagtar Singh, Advocate for respondent No.1

AVNEESH JHINGAN, J (Oral):

This is an appeal under Section 37 of the Arbitration and Conciliation Act, 1996 (for short, 'the Act') against the order dated 14.3.2017 whereby the objection application under Section 34 of the Act filed by the appellant was returned to be presented before the competent court.

The brief facts are that a licence agreement was entered between the parties at Karnal. There was a clause in the licence agreement for dispute resolution through arbitration. There was a dispute between the parties and Managing Director of Haryana Tourism Corporation Ltd. was appointed sole arbitrator. Both the proceedings of arbitration and passing of award was at Chandigarh, the property in question was situated at Karnal.

The limited grievance raised in this appeal is that the courts at Karnal had the jurisdiction to deal with the application under Section 34 of

the Act.

Learned counsel for the respondent submits that earlier an objection was raised before the court at Karnal but the same was withdrawn. The respondent is waiving the issue with regard to jurisdiction of the court at Karnal and would submit to its jurisdiction there.

In view of the statement made by learned counsel for the respondent, without commenting upon the issue of jurisdiction, the matter is remanded back to decide the matter under Section 34 of the Act on merits.

The parties are directed to appear before the court concerned on 14.3.2022.

The appeal is disposed of.

[AVNEESH JHINGAN]
JUDGE

7th February, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |