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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ O.M.P.(MISC.)(COMM.) 834/2024

M/S. HSK INFRA PVT. LTD

.....Petitioner

Through: Mr. Amit Punj, Adv. (through v/c)
and Mr. Cyril Ignatious, Adv.

versus

UNION OF INDIA

.....Respondent

Through: Mr. Arnav Kumar, CGSC, Mr. Raj
Kumar Maurya, GP and Ms. Aayush
Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **21.10.2024**

IA No.42689/2024 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. This is a petition filed under Section 29(A) of the Arbitration and Conciliation Act, 1996 (hereinafter 'A&C Act') seeking extension of time for completion of arbitral proceedings and making of arbitral award in Case No.30/ARB/AKS/CPWD, titled as "HSK Infra Pvt. Ltd. Vs. Union of India".
4. At the outset, learned counsel for the respondent raises an objection as regards the territorial jurisdiction of this Court on the ground that at the pre-arbitral stage, the petitioner had invoked the jurisdiction of the Commercial Court, Bhopal in connection with the same agreement. The said petition was entertained by the Court and was disposed of *vide* order dated 13.09.2022.



Thereafter, the arbitral tribunal came to be constituted without intervention of the Court.

5. Learned counsel for the respondent submits that by virtue of Section 42 of the A&C Act, it would be the Courts in Bhopal/Madhya Pradesh that could have jurisdiction over the arbitral proceedings and all subsequent applications arising out of the arbitration agreement.

6. In support of the said contention, reliance is placed on the judgment of the Supreme Court in the case of ***State of West Bengal Vs. Associated Contractors*** (2015) 1 SCC 32. In particular, para-18 of the said judgment reads as under:

“18. In contrast with applications moved under Section 8 and 11 of the Act, applications moved under Section 9 are to the “court” as defined for the passing of interim orders before or during arbitral proceedings or at any time after the making of the arbitral award but before its enforcement. In case any application is made, as has been made in the present case, before a particular court, Section 42 will apply to preclude the making of all subsequent applications under Part I to any court except the court to which an application has been made under Section 9 of the Act.”

7. After some hearing, learned counsel for the petitioner seeks leave to withdraw the present petition with liberty to file the requisite petition before the appropriate Court in Bhopal/ Madhya Pradesh.

8. The present petition is accordingly dismissed as withdrawn, with liberty as prayed for.

SACHIN DATTA, J

OCTOBER 21, 2024/cl