



2024:DHC:4026



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **TR.P.(C.) 57/2024****KALYAN JAGOTRA**

..... Petitioner

Through: Mr. Arindam Dey and Mr. S.D.  
Sharma, Advocates

versus

**UNION OF INDIA**

..... Respondent

Through: Mr. Rajnish Gaiind, SPC with  
Mr. Aakash Meena, GP, Mr. Hemant  
Kaushik and Mr. Himanshu Gupta,  
Advocates**CORAM:****HON'BLE MR. JUSTICE C. HARI SHANKAR****JUDGMENT (ORAL)**

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**16.05.2024**

1. This transfer petition seeks transfer of OMP (COMM) 34/2023 (*Kalyan Jagotra v. Union of India*) presently pending before the learned District Judge, Commercial Court-03, Patiala House to the competent Commercial Court in the Saket District Court.

2. The submission of Mr. Dey, learned counsel for the petitioner, is that the petition was wrongly filed in the Patiala House Court under the impression that Sarita Vihar, which was the venue of arbitration, was situated within the jurisdiction of the Patiala House Court. On coming to learn that Sarita Vihar falls within the jurisdiction of the Saket District Court, this petition has been moved.



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3. Learned counsel for the respondent submits that, in fact, a petition under Section 34, challenging the award has been preferred by him in the District and Sessions Court at Indore and that, therefore the petitioner would have to prefer his challenge to the impugned order in the same Court in view of Section 42 of the Arbitration and Conciliation Act, 1996 (hereinafter, the “1996 Act”).

4. Mr. Dey, learned counsel for the petitioner, on the other hand, submits that the order appointing the Arbitrator, under Section 11 of the 1996 Act was passed by this Court and that therefore, the Section 34 petition was rightly filed before the District and Sessions Court in Delhi.

5. For the present, I am not concerned, in this case, with the issue of whether the proceedings should travel to Indore or have been correctly filed in Delhi.

6. Reserving the right of the respondents in that regard, for the reasons stated in this transfer petition, OMP (Comm) 34/2023 (***Kalyan Jagotra v. Union of India***) is transferred from the Court of the learned District Judge, Commercial Court-03, Patiala House to the competent Commercial Court in the Saket District Court.

7. This order would not restrain the respondent from advancing the contention that petitioner was required to have filed its petition at Indore, at any appropriate stage. This Court expresses no opinion thereon.



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8. The proceedings would continue from the stage from where they are at present.
9. The Registry of the Patiala House Court is directed to take expeditious steps to transmit the records to the Saket Court.
10. This petition is disposed of accordingly.

**C.HARI SHANKAR, J**

**MAY 16, 2024/yg**

*Click here to check corrigendum, if any*