

Supplementary List-2
Serial No. 109

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

AA No. 2/2026
CM No. 496/2026

M/s IBK Foods and Hospitalities Pvt. Ltd.

.....Petitioner(s)

Through: Mr. Pranav Kohli, Sr. Advocate with
Mr. Aftab Malik, Advocate.

Vs

Jammu Development Authority & Ors.

.....Respondent(s)

Through: Mr. Sachin Dogra, Advocate.

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER
(06.02.2026)

01. Through the medium of the present appeal, the appellant has challenged order dated 15.01.2026 passed by the court of learned Additional District Judge, Jammu whereby application of the appellant filed under Section 9 of the Arbitration and Conciliation Act, 1997 (hereinafter called as Act of 1997), has been dismissed.

02. Issue notice to the respondents.

03. Mr. Sachin Dogra, learned Advocate accepts notice on behalf of the respondents.

04. Heard learned counsel for the parties and perused the impugned order.

05. It is not in dispute that the subject matter of the petition decided by the court of learned Additional District Judge, Jammu

involves a commercial dispute of a specified value. Thus, in terms of Section 10 of the *Commercial Courts Act, 2015* it is only the Commercial Court or Commercial Division of the High Court which could have taken cognizance of the matter and passed orders on the merits of the case. The proper course for learned Additional District Judge, Jammu was to transfer the matter to the Commercial Court. Instead of doing so, he has proceeded to examine the merits of the case and pass the impugned order, which is beyond his jurisdiction. On this ground alone, the impugned order deserves to be set aside.

06. Accordingly, without going into the merits of the case, the impugned order dated 15.01.2026 is set-aside and a direction is issued to the court of learned Additional District Judge, Jammu to transfer the proceedings to the Commercial Court (Principal District Court, Jammu) whereafter the matter shall be heard afresh by the said Court for its fresh decision on merits.

07. The appeal is accordingly, **disposed of.**

(SANJAY DHAR)
JUDGE

JAMMU
06.02.2026
Shivalee