



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

**CR No.4051 of 2026 (O&M)
Date of Decision:-14.05.2026**

Union of India and others

.....Petitioners.

Versus

M/s S.K. Construction Company

.....Respondent.

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present:- Mr. Narender Kumar Vashist, Advocate
for the petitioners.

Mr. Sharad Aggarwal, Advocate
for the respondent.

VIKRAM AGGARWAL, J. (Oral)

1. The instant revision petition, instituted under Article 227 of the Constitution of India, assails orders passed by the Executing Court, Ludhiana, dated 27.08.2025 (Annexure P-10) in ***Execution Application No.10194 of 2024*** whereby the execution petition was dismissed as pre-mature and order dated 28.04.2026 (Annexure P-15) passed in ***Execution Application No.1036 of 2025*** vide which the objections filed by the petitioners as regards the jurisdiction of the Courts at Ludhiana for entertaining the Execution Petition were dismissed.
2. The facts, as emanating from the revision petition, are that a contract was entered into between the parties on 25.09.2007 (Annexure

P-1) as regards construction of industrial shed for testing of memu/metro coaches of approximate size of 12 meters x 150 meters. A suit for permanent injunction (Annexure P-2) came to be filed by the respondent at Ludhiana. During the pendency of the said suit, an application under Section 8 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the '1996 Act') was moved by the petitioners. Ultimately, the matter reached this Court by way of a petition under Section 11(6) of the 1996 Act. Vide order dated 29.10.2022 (Annexure P-3), a sole Arbitrator was appointed.

3. On conclusion of proceedings, arbitral Award dated 16.10.2024 (Annexure P-6) was passed.

4. An execution petition (Annexure P-7) was initially instituted by the respondent in the Executing Court at Ludhiana. An objection petition (Annexure P-8) was filed by the petitioners raising two-fold objections. The first objection was that the execution petition was premature since it had been filed before a period of 90 days. The second objection was as regards territorial jurisdiction of Ludhiana Courts. The said objections were opposed by way of a reply (Annexure P-9). Vide order dated 27.08.2025 (Annexure P-10), the objection as regards limitation was accepted, whereas the objection as regards territorial jurisdiction was rejected.

5. In the meantime, a petition under Section 34 of the 1996 Act (Annexure P-11) was also filed. This was followed by a second execution application (Annexure P-12) again filed at Ludhiana. The petitioners again

filed objections (Annexure P-13) raising the issue of territorial jurisdiction. The objections were again opposed by way of a reply (Annexure P-14). By way of the impugned order dated 28.04.2026, the said objections were dismissed leading to the filing of the instant revision petition.

6. It would be relevant to mention here that prior to the filing of the present revision petition, **CR No.3642 of 2026** had been filed challenging the order dated 27.08.2025. However, in the meantime, since the order dated 28.04.2026 had been passed, the said revision petition was withdrawn vide order dated 06.05.2026 as it was stated that learned counsel intended to challenge the order dated 28.04.2026 as well.

7. I have heard learned counsel for the parties.

8. This Court is of the *prima facie* opinion that the reasoning given by the trial Court that since a suit for permanent injunction had been filed at Ludhiana and, therefore, the Courts at Ludhiana would have the jurisdiction, is perverse. Be that as it may, learned counsel for the respondent, on instructions, submits that he would have no objection if the Executing Court transfers the execution petition to Kapurthala, in accordance with law.

9. Learned counsel for the petitioners submits that the entire properties of the petitioners are, even otherwise, situated at Kapurthala and, therefore, the execution petition, in the first place, should have been filed at Kapurthala.

10. Having considered the matter from all angles, the present revision petition is disposed of with a direction to the Executing Court to

transfer the execution petition filed by the respondent before it to the competent Court at Kapurthala, in accordance with law.

11. Needless to assert that the concerned Court at Kapurthala would deal with the matter expeditiously.

Pending application(s), if any, shall also stand disposed of.

May 14, 2026
Yag Dutt

(VIKRAM AGGARWAL)
JUDGE

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*