



\$~9

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

%

Date of Decision : 28.03.2026+ **FAO (COMM) 13/2023 & CM APPLs. 5190/2023, 17387/2024, 17394/2024, 21180/2024, 21203/2024****KUMAR MANISH**

.....Appellant

Through: Mr. Sougat Sinha, Ms. R. Gayathri
Manasa, Mr. Navneet Kumar and Mr.
Maityree Srivastava, Advocates

versus

ONICRA CREDIT RATING AGENCY OF INDIA LIMITED

.....Respondent

Through: Mr. Siddhant Nath, Mr Bhavishya
Makhija and Mr. Amaan Khan,
Advocates**CORAM:****HON'BLE MR. JUSTICE V. KAMESWAR RAO****HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****MANMEET PRITAM SINGH ARORA, J. (ORAL)**

1. The matter is taken up today as the date fixed, i.e. 02.03.2026 was declared a holiday vide notification no. 64/G-4/Genl.-I/DHC dated 27.02.2026.

CM APPL. 21203/2024

2. This is an application filed by the Appellant seeking condonation of delay of 13 days in filing the appeal.

3. For the reasons stated in the application, the delay of 13 days in filing the appeal is condoned and the application is allowed.

4. It is apposite to refer the judgement of Supreme Court in **Sheo Raj**



Singh (D) Thr. L.Rs. v. Union of India¹, wherein the Supreme Court affirmed the reasoning of the High Court that the law of limitation is founded on public policy and that some lapse on the part of a litigant by itself, would not be sufficient to deny condonation of delay, as it may result in miscarriage of justice.

5. The application is disposed of.

CM APPL. 17387/2024

6. This is an application filed for condonation of delay of 30 days in re-filing the appeal.

7. For the reasons stated in the application, the delay of 30 days in re-filing is condoned.

8. The application is disposed of.

CM APPL. 17394/2024

CM APPL. 21180/2024

9. These are also applications filed for condonation of delay of 30 days in re-filing the appeal, seeking the same reliefs as sought in CM APPL. 17387/2024.

10. As these applications are seeking the same reliefs as in CM APPL. 17387/2024, these applications are disposed of.

FAO (COMM) 13/2023

11. The present appeal has been filed under Section 13 of the Commercial Courts Act, 2015 [‘Act of 2015’] by the Appellant impugning the final order and judgment dated 27.08.2022 passed by the District Court in OMP

¹ (2023) 10 SCC 531



(Comm.) 64 of 2019 titled as **Kumar Manish vs Onicra Credit Rating Agency of India Limited**, wherein the District Court has disposed of the Section 34² petition filed by the Appellant holding that the said Court does not have territorial jurisdiction to entertain the petition.

12. The Appellant filed a petition under Section 34 of the Arbitration and Conciliation Act, 1996 ['Act of 1996'] challenging the award dated 09.01.2018. The Section 34 petition was entertained by the District Court vide order dated 01.11.2018, notice was issued to the Respondent, and steps were taken for calling the original arbitral record from Delhi International Arbitration Centre ['DIAC'].

13. It is the stand of the Appellant that the petition was filed before the District Court, Dwarka as the Respondent's office is located at Janakpuri, which falls within the jurisdiction of the said Court.

14. The Respondent entered appearance and conceded that the District Court was competent and had jurisdiction.

15. However, the District Court by its impugned order held that since the arbitral proceedings were conducted at DIAC, which is located at Shershah Suri Marg, the Court where DIAC is physically located would be the Court of appropriate jurisdiction. It referred to Section 20(2) of the Act of 1996 for returning the said findings. In these facts, the District Court disposed of the petition on the ground of lack of territorial jurisdiction and directed the Appellant to approach the Court of competent jurisdiction.

16. The Court has heard the learned counsel for the parties and perused

² Arbitration and Conciliation Act, 1996



the record.

17. In the impugned order dated 27.08.2022, the District Court has recorded the submission of the Respondent that it does not have any objection to the territorial jurisdiction of the District Court and concedes that District Court, Dwarka is the Court of competent jurisdiction. Mr. Nath, learned counsel for the Respondent confirms that this was his submission before the District Court and reiterates the said submissions. The relevant paragraph of the impugned judgment, which records the stand of the Respondent reads as under:

“11. Counsel for the respondent supported the submission made by counsel for the petitioner and pleaded that this court has the territorial jurisdiction to entertain the present petition.”

18. The Respondent has its Office at Janakpuri District Centre and it was on this basis the Appellant had filed the Section 34 petition before the District Court at Dwarka in accordance with Section 20(a) of the Code of Civil Procedure, 1908 [‘CPC’].

19. However, the District Court, itself, raised an objection of the territorial jurisdiction and concluded that since the arbitral proceedings were held at DIAC, the territorial jurisdiction of the Court would lie at the place where the DIAC has its Office.

20. We are unable to agree with the aforesaid finding of the Trial Court, as we find no legal basis to sustain the same. The territorial jurisdiction of the Civil Court to entertain the petition is determined in accordance with Section 42 of the Act of 1996 read with Section 2(1)(e) of the Act of 1996. In our considered view, the Petitioner rightly instituted the Section 34



petition before the District Court at Dwarka. This conclusion is fortified by the fact that the Respondent maintains its office at Janakpuri, Delhi, and, having regard to Section 20(a) of the CPC, the Court exercising jurisdiction over the said area would be competent to entertain the petition. Consequently, the institution of the petition before the District Court at Dwarka cannot be faulted on the ground of territorial jurisdiction and the petition was wrongly disposed of.

The seat of arbitration as per the contract was at Delhi and therefore the Section 34 petition filed at District Court, Dwarka as per Section 20 CPC was rightly instituted. The fact that the proceedings were held at DIAC, would not mean that the Section 34 petition has to be instituted at the District Court, within whose jurisdiction the office of DIAC is located. This issue is no longer res integra and has been authoritatively settled by the Division Bench in **Chacha Nehru Bal Chikitsalya, Delhi v. M/s Induction Corporate Solutions Pvt. Ltd.**³

21. The impugned order is accordingly, set aside and the parties are directed to appear before the District Court at Dwarka on 13.04.2026 which shall hear the matter on merits.

22. The petition is allowed. Pending applications, if any, are disposed of.

MANMEET PRITAM SINGH ARORA, J

V. KAMESWAR RAO, J

MARCH 28, 2026/msh/Aj/mt

³ 2024: DHC: 1981-DB at paragraph nos. 23 to 26