

(2022) 09 P&H CK 0108

In the Punjab And Haryana At Chandigarh

Case No : Transfer Application No. 72 Of 2020 (O&M)

Amit Kumar Singla

APPELLANT

Vs

Haryana Urban Development Authority (HUDA) And Others

RESPONDENT

Date of Decision : 27-09-2022

Acts Referred:

Arbitration And Conciliation Act, 1996 — Section 34

Citation : (2022) 09 P&H CK 0108

Hon'ble Judges : Arvind Singh Sangwan, J

Bench : Single Bench

Advocate : Parminder Singh, Sanjeev Majra

Final Decision : Disposed Of

Judgement

Arvind Singh Sangwan, J

Prayer in this petition is for transfer of the subsequent objection petition i.e. ARB No.53 of 2019 (Annexure P-4) filed by respondents No.1 and 2 against the arbitration award from the Court of Additional District Judge, Panchkula to the competent Court at Karnal, where the petitioner has already filed an objection against the common order.

Brief facts of the case are that the respondent – HUDA has allocated the work pertaining to the development of the road in Sector 9 and some other works in District Karnal. The work was allotted and carried out by the petitioner, however, with regard to payments and some other matters, the arbitrator was appointed by this Court and the arbitrator has passed an award dated 09.08.2019.

Counsel for the petitioner has argued that against the award, the petitioner has preferred a petition under Section 34 of the Arbitration Act, which is pending in the Court of Additional District Judge, Karnal. Similarly later on, the respondent – HUDA has also filed the objections before the Additional District Judge, Panchkula. It is also submitted that since the objections are filed against the same award by the two sets of the objectors i.e. the petitioner – contractor on

one side and the respondent – HUDA on the other side, the same needs to be decided by one Court.

Counsel for the petitioner has relied upon the order dated 21.01.2020 passed in TA No.1002 of 2019, wherein in similar circumstances, this Court has allowed the transfer of the subsequent objection petition and has directed the same to be listed with the objection petition filed by the petitioner at the first instance.

Counsel for the respondent has, however, raised an objection that since the seat of the arbitrator was at Panchkula, therefore, the respondent has filed the objections at Panchkula.

It is not disputed by either of the parties that the objections are now to be decided by the competent Court of law and the arbitrator has no role at this stage.

After hearing the counsel for the parties and in order to avoid any conflicting judgment/order on the common issue, the objections petition filed by respondents No.1 and 2, filed at Panchkula, which are later in time be transferred to Karnal. The Court is already seized of the matter prior in time and the cause of action has also arisen within the local jurisdiction of Karnal where the work was executed, this petition is allowed and the objection petition, in question pending before the Additional District Judge, Panchkula is ordered to be transferred to the Court of Additional District Judge, Karnal and the same be tried together with the objections filed by the petitioner in arbitration case.

Disposed.