

(2019) 02 SC CK 0435

In the Supreme Court Of India

Case No : Transfer Petition (Civil) Nos. 42-43 Of 2019

Today Homes & Infrastructure P. Ltd

APPELLANT

Vs

Ludhiana Improvement Trust, Ludhiana & Anr

RESPONDENT

Date of Decision : 26-02-2019

Acts Referred:

Arbitration and Conciliation Act, 1996 — Section 34

Citation : (2019) 02 SC CK 0435

Hon'ble Judges : L.Nageswara Rao, J;M.R.Shah, J

Bench : Division Bench

Advocate : Mukul Rohtagi, Vivek Sibal, Sanjay, P. N. Puri, D.S. Patwalia, Shubham Bhalla, Yajur Bhalla, Bharat Upreti, Karan Bharihoke, Siddhant Sharma, Navkiran Bolay

Final Decision : Disposed Of

Judgement

An Award dated 10th November, 2016 was passed by Hon'ble Mr. Justice R.C. Lahoti, former Chief Justice of India in respect of the disputes between the petitioner and the respondent relating to development and construction of Ludhiana City Centre at Ludhiana, Punjab. The respondent, Ludhiana Improvement Trust, Ludhiana filed a petition under Section 34 of the Arbitration and Conciliation Act, 1996. An application for execution was filed by the petitioner in the District Court at Ludhiana which is also pending.

There were several claims made against the petitioner which were subject matter of Awards against the petitioner whereby a liability of Rs.46,20,46,373/- was fastened on the petitioner. The claimants therein filed execution petitions in the High Court of Delhi. Mr. Mukul Rohtagi, learned senior counsel appearing on behalf of the petitioner submits that there are several civil suits and other cases pertaining to disputes raised by the claimants against the petitioner are pending at Delhi.

After hearing Mr. Mukul Rohtagi and Mr. D.S. Patwalia, learned senior counsel

appearing for the parties and considering the material on record, we are of the opinion that Arbitration Petition No.1111 of 2017 under Section 34 of the Arbitration and Conciliation Act, 1996 pending in the Additional District Judge, Ludhiana, Punjab and the Execution Petition No.506 of 2018 titled as 'Today Homes & Infrastructure Private Limited versus Ludhiana Improvement Trust' pending in the Court of Additional District Judge, Ludhiana, Punjab and the other pending applications shall be transferred to the High Court of Delhi at New Delhi. Accordingly, the transfer petitions are allowed.

Mr. Patwalia, learned senior counsel submits that the petition filed by him under Section 34 should not be clubbed with the other matters pending in the Delhi High Court which might result in delay of the disposal of the said petition. The parties are at liberty to mention before the Chief Justice, High Court of Delhi, New Delhi to allot all the cases pertaining to both the arbitrations to a learned Single Judge. The request made by the respondents for taking up the petition filed under Section 34 by the respondents at the first instance may be considered by the learned Single Judge.

In case the petition under Section 34 cannot be taken up for any reason, the Application for interim relief may be considered and decided in accordance with law.

The records pertaining to the petitions under Section 34 of the Arbitration Act and the execution petition shall be transmitted by the Additional District Judge, Ludhiana, Punjab, to the High Court of Delhi at the earliest.

Pending application(s), if any, also stand disposed of in terms of the above order.