

**Ajaib Singh v. Government of India and others**

Objection under Section 34 of A&C Act, 1996,
against award (ARBI/35/2022) passed by
Sole Arbitrator -Cum- Commissioner, Faridkot
Acquired Land: Village Bhokhra.

Present: Sh. Sunil Kumar Khurana, Advocate counsel for petitioner.
Sh. Kamaljit Bansal, Advocate for respondents no. 1 and 2.
Service of respondents No. 3 and 4 dispensed with.

1) A preliminary issue has arisen regarding the territorial jurisdiction of the Bathinda Court to hear objections under Section 34 of the Arbitration & Conciliation Act, 1996, against an arbitral award issued at Faridkot by the Commissioner, Faridkot Division. The land in question, located in District Bathinda, was acquired for National Highway, with the initial award passed by the Competent Authority Land Acquisition (CALA) at Bathinda. Dissatisfied landowners referred the matter to statutory arbitration before the Commissioner at Faridkot, where the final arbitral award was pronounced.

2) Objections to this award were filed in Bathinda, prompting the question: Does the Bathinda Court have jurisdiction to adjudicate these objections?

3) Upon review, there is no arbitration agreement between the parties. According to Section 2(1)(e) of the Act, "Court" refers to the principal Civil Court of original jurisdiction in a district, which would have jurisdiction if the arbitration's subject matter were the subject of a suit. Section 20 allows parties to agree on the place of arbitration; absent such agreement, the tribunal determines the place, which becomes the "seat" of arbitration as per Section 31(4).

4) The Hon'ble Supreme Court in *Bharat Aluminum Co. v. Kaiser Aluminum Technical Services Inc.*, (2012) 9 SCC 552, clarified that the court at the seat of arbitration has supervisory jurisdiction. Both the location of the cause of action and the seat of arbitration may confer jurisdiction, but where the arbitral proceedings and award are conducted and pronounced at a specific location, that place is deemed the seat.

5) The *ratio decidendi* laid in *Reliance Industries Ltd. v. Union of India*, (2014) 7 SCC 603, makes it clear that "juridical seat" is nothing but the "legal place" of arbitration.

6) In *BGS SGS SOMA JV vs. NHPC Limited*, MANU/SC/1715/2019, the Hon'ble Supreme Court has clarified that the "venue" is really the "seat" of the arbitral proceedings.

7) Similar view have been expressed by Hon'ble Kerala High Court in its decision dated 13/02/2023 rendered in *Southern Railway v. M R Ramakrishnan*, OP(C) NO. 3115 OF 2018 and the ratio laid down in *Omparkash v. Vijay Dwarkadas Varma*, 2020(6) RAJ 668 (Bombay) (Nagpur Bench); *Madhya Pradesh Road Development Corporation v. Baisakhu alias Sadhu*, AIR 2021 Madhya Pradesh 125; *Samsung India Electronics Private Limited v. Enn Enn Corporation Limited*, AIR 2023 Delhi 272; *Ms. Bygging India Limited v. Ms. Bharat Heavy Electricals Limited*, 2023(296) DLT 96 (Delhi); *Inland Waterways Authority of India v. Reach Dredging Ltd. (RDL) and Gayatri Projects Pvt. Limited (JV)*, 2023(5) ArbiLR 163 (Delhi); *Utpal Datta v. RailTel Corporation of India Limited, Delhi*, AIR 2024 Tripura 3; *Sanjay Kumar Verma v. Planning and Infrastructural Development Consultants Pvt. Limited*, 2024 NCDHC 99 (Delhi); *Babu Ram v. Tata Project Limited (J&K)*, Law Finder Doc Id # 2495089; and *Jinofer Kawasji Bhujwala v. Bahadur Sanjana*, 2024(1) ArbiLR 370 (Gujarat).

8) While summing up discussion, the Civil Court at Bathinda lacks jurisdiction to deal with petition arising out of Section 34 of the Arbitration & Conciliation Act, 1996, since the arbitral award was signed and pronounced at Faridkot, which was seat of arbitration. With these observations, the preliminary issue framed by this court is decided.

9) The original petition with requisite endorsement, as per law, be returned along with original documents subject to retaining its copies on the file. The petitioners are at liberty to present the objection petition before the court of competent jurisdiction.

10) The requisitioned arbitration record be returned. After due compliance, judicial papers be consigned.

Rajiv Kalra (PB0098)
Additional District Judge,
Bathinda

Date: 10.11.2025
Vikas (Stenographer-III)