

MHBI010030262024



IN THE DISTRICT COURT AT BEED, DIST. BEED.

Civil M.A. No. 278/2024

**M/s. JJLB (Engineers & Contractors)
Vs.
The Executive Director , GIMIDC, & others.**

ORDER BELOW EXH. No.13

The impugned application is filed by non-applicant No.1 for transfer of present Civil M.A. to District Judge-2 and Commercial Court at Beed.

2. As per non-applicant, they were awarded contract for the work of construction of Balance Earth, Lining and Structures in various stretches of Paithan Right Bank Canal. Due to dispute, matter was referred to Arbitration who had passed award. Applicant had challenged this award under Section 34 of the Arbitration and Conciliation Act, 1996. It was further submitted that, dispute relating to construction and infrastructural contract including tender comes within the definition of commercial dispute as per section 2 (1)(c)(vi) of the Commercial Court Act, 2015 hereinafter referred to as 'The Act' and matter has to be tried by designated Court constituted under Section 3(a) of the Act. It was further contended that, as per Section 10(3) of the Commercial Courts Act, 2015, all applications arising out of Arbitration under the provisions of Arbitration and Conciliation Act, 1996, has to be heard and disposed off by Commercial Court and District Judge-2

(2)

as per notification issued by Government of Maharashtra dt. 03/07/2019 and 27/08/2019.

3. Applicants filed their say and submitted that, the claim is time barred. They raised objection as to the limitation. They contended about specified value in relation to commercial dispute which has to be determined as per Section 12 of 'The Act'. As per them, they are challenging the application as it is less than Rs.3,00,000/- and transfer application filed u/sec.15 the application is not maintainable. Thus it was lastly submitted that, this application has been preferred to delay the matter and prayed to reject it.

4. Heard respective parties. Perused the material on record.

5. Upon considering the hearing it is evident that, it is not disputed that, work of work of construction of Balance Earth, Lining and Structures in various stretches of Paithan Right Bank Canal is awarded applicant by tender. Thereafter, there was some dispute and matter was referred for arbitration and accordingly award was passed and which is challenged in the Court by filing application under Section 34 of the Arbitration and Conciliation Act. Considering subject matter of dispute, in the opinion of the Court, it comes within the meaning of Section 2(1)(c)(vi) of 'The Act' and any commercial dispute has to be decided by Commercial Court specially constituted and designated under Section 3(a) of 'The Act'. Thus a Commercial dispute is liable to be transferred as per Section 15 of 'The Act' as jurisdictional Court and as per Section 10 of the Act. Thus, District Judge-2 being designated Commercial Court at Beed, is having jurisdiction to decide this matter as per notification issued by Hon'ble High Court, in this regard.

6. While deciding specified value as mentioned under Section 12 of 'The Act', original claim of applicant before Arbitrator has to be considered and not the amount awarded. Admittedly,

applicant had demanded Rs. 7.32 Lakhs towards final bill, Rs.19.70 Lakh as security towards extra item, release of security dispute Rs.1.76 Lakhs and also under other heads. Thus, objection raised by non-applicant in this case cannot be considered. Accordingly, I pass following order;

ORDER

- 1] Application (Exh.13) is allowed.
- 2] Matter be transferred to the District Judge-2 at Beed, being designated Commercial Court,

**Beed,
Dt.17/03/2026**

**(Anand L. Yawalkar)
PRINCIPAL DISTRICT JUDGE,
BEED.**

(4)

Dictated on : 17/032026
Transcribed on : 17/03/2026
Checked & signed on : 20/03/2026

I affirm that the contents of this PDF file are word to word
as per original Judgment / order.

Name of Steno : S.D. Kulkarni

Name of Court : Dist. & Sessions Court,Beed,

Sd/-

(S.D. Kulkarni)

Stenographer Grade-I