

CNR No. PBSA010090562018

CIS No. ARB-150-2018

Balbir Singh Vs. SBI Cards & Payment Service Ltd. & anr.

Present: Ms. Jagdeep Kaur Bhangu, Advocate for the petitioner.
 Sh. G.S. Thind, Advocate for the respondent no.1.
 Respondent No.2- Sole Arbitrator.

1. Heard. At this outset, a question arises as to whether the Court at SAS Nagar, Mohali, Punjab has got territorial jurisdiction to decide the present objection petition as filed under Section 34 of the Arbitration and Conciliation Act, 1996 to set aside an arbitral award dated 02.05.2017 rendered by Sh. D.K. Sinha, Sole Arbitrator/Advocate, New Delhi.

2. In **BGS SGS Soma JV vs. NHPS Ltd.** Civil Appeal No. 9307 of 2019, Decided on 10.12.2019, Hon'ble Supreme Court laid down law on this aspect while holding that *section 42 is meant to avoid conflicts in jurisdiction of Courts by placing the supervisory jurisdiction over all arbitral proceedings in connection with the arbitration in one Court exclusively. This is why the section begins with a non-obstante clause and then goes on to state ".....where with respect to an arbitration agreement any application under this part has been made in a Court....". It is obvious that the application made under this part to a Court must be a Court which has jurisdiction to decide such application. The subsequent holdings of this Court, that where a seat is designated in an agreement, the Courts of the seat alone have jurisdiction, would require that all applications under part no. 1 be made only in the Court where the seat is located and that Court alone*

then has jurisdiction over the arbitral proceedings and all subsequent applications arising out of the arbitral agreement.

While applying such ratio decidendi to the facts of the present case, the only conclusion that can be drawn is that both the parties have chosen New Delhi as seat of the arbitration under Section 20 (1) of Act 1996 and thus, the Courts at SAS Nagar (Mohali), Punjab lack territorial jurisdiction to entertain and try the present petition.

3. Hence, the present objection petition is ordered to be returned to the petitioner with the liberty to file the petition before a competent Court at New Delhi within 30 days from today. Necessary endorsement be made on the original petition before return and a copy thereof be retained on the file.

Record of this Court be consigned after due compliance.

**Pronounced in Open Court.
Dated: 12.05.2026**

Tajinder Singh

**(Neetika Verma),
Additional District Judge
SAS Nagar/UID-PB0209**