

CNR No:PBBT010017332025 CASE No:ARB-55-2025

NHAI Vs. Nahar Singh etc.

Present: Sh. HK Aggarwal, Advocate, proxy counsel for petitioners.
Sh. Rajesh, Advocate for respondents.

**Objection under Section 34 of A&C Act, 1996, against award
(ARBI/1014/2023) passed by Sole Arbitrator-Cum- Commissioner,
Faridkot Acquired land: Village Pathrala, District Bathinda**

Case received by transfer. It be registered.

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.

Objections to this award were filed in Bathinda.

The question that arises is whether the Civil Court at Bathinda has the jurisdiction to adjudicate these objections?

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).

The Hon'ble Supreme Court in *Bharat Aluminum Company versus 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.

Similar view have been expressed by Hon'ble Kerala High

Court in its decision dated 13/02/2023 rendered in Southern Railway versus M R Ramakrishnan, OP (C) NO. 3115 OF 2018.

Likewise, our own Hon'ble High Court in 'Yashpreet Singh versus UOI and Anr.' (CR No.3884 decided on 20.04.2026) has held that the territorial jurisdiction of the court to hear the objections under section 34 of the Arbitration & Conciliation Act, 1996, shall be at Faridkot and not at Bathinda.

Therefore, 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.

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.

The requisitioned arbitration record, if any, be returned.

After due compliance, judicial papers be consigned the judicial Record Room, Bathinda.

Pronounced in open Court:

Date of Order: 11.05.2026
Manoj Kumar

(Jatinder Pal Singh)
Additional District Judge,
Bathinda
UID No . PB00263