

Present:- Kumkum Chattopadhyay
Misc Case Arb.-13/2019

Order No. 26 dated 02.05.2025

Today is fixed for hearing of the petition dated 22.11.2024.
Both parties are present.

Heard Ld. Advocates for both sides. Perused the petition as well as the case record. Considered.

Ld. Advocate for the respondent has submitted that the claim amount of the arbitration case is Rs. 1,24,46,947/- and as such as per the norms of Arbitration and Conciliation Act, this court has no jurisdiction to try this case. Respondent has prayed for transferring the case to Commercial Court for further proceeding.

Ld. Advocate for the petitioner raised objection. He has filed Government notification and has submitted that point of jurisdiction depends not on the contractual amount but on the arbitral awarded amount.

Considering the submissions of both Ld. Advocates and on perusal of the case record it appears that this is an application u/s 34 of Arbitration and Conciliation Act which allows a party to challenge the arbitral award. In the present case the arbitral award is less than Rs.30 lakhs. So, this Court has jurisdiction to proceed with this case.

Accordingly this petition is rejected.

To **08.08.2025** for hearing the Misc case of Arbitration.

Dictated & corrected

Additional District Judge,

3rd Court, Alipore

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