

Balak Ram Kaundal vs. M/s Italian Thai  
Development Public Co. Ltd.

Arb. Case No. 21 of 2014

10.04.2026 Present: Ms. Swati Verma, Advocate, vice counsel for  
the petitioner.

Mr. Anshul Gandhi, Advocate, vice counsel for  
the respondent.

Instant petition has been filed under Section 34  
of the Arbitration and Conciliation Act, assailing the  
Award, passed in a dispute arising out of a commercial  
contract between the parties.

2. Ms. Swati Verma, learned vice counsel  
appearing for the petitioner, represents that the instant  
matter falls within the definition of commercial dispute  
in Section 2(c) of the Commercial Courts Act.

3. Section 2(c) of the Commercial Courts Act, 2015  
defines commercial dispute, which includes a dispute  
arising out of construction and infrastructure contract  
including tenders vide sub-Clause (vi) of the aforesaid  
provisions.

4. Section 10 (3) of the Act *ibid* reads as under:-

*"If such arbitration is other than an international  
commercial arbitration, all applications or  
appeals arising out of such arbitration under the  
provisions of the Arbitration and Conciliation Act  
1996 that would ordinarily lie before any principal  
civil court of original jurisdiction in a district (not  
being a High Court) shall be filed in, and heard  
and disposed of by the Commercial Court  
exercising territorial jurisdiction cover such*

*arbitration where such Commercial Court has been constituted"*

5. As per Section 6 of the said Act, the Commercial Court shall have the jurisdiction to try all suits and applications relating to commercial dispute of a specified value arising out of entire territory of the State over which, it has been vested territorial jurisdiction. Further Section 15 of the Act provides for transfer of all suits and applications including applications under the Arbitration and Conciliation Act, 1996 relating to commercial dispute of specified value, pending in High Court where the Commercial Division has been constituted.

6. Vide Notification dated 24.10.2024, the Commercial Division has been constituted in this Court. In aforesaid backdrop, since the subject matter herein, falls within the purview of the Commercial Courts Bench of this Court, accordingly, place the matter before Hon'ble the Chief Justice, for appropriate orders for listing the instant matter before the Commercial Court of this Court.

**(Romesh Verma)**  
**Judge**

10<sup>th</sup> April, 2026  
(kck)