

**H.P. Housing and Urban Development Authority Vs. M/s Kapil Construction****Arb. Case No.86 of 2010 a/w**
Arb. Case No.87 of 2010

25.11.2025 Present: Mr. Bhupender Gupta, Senior Advocate with Mr. Janesh Gupta, Advocate, for the petitioner in both the matters.

Mr. J.S. Bhogal, Senior Advocate with T.S. Bhogal, Advocate, for the respondent in both the matters.

Instant petitions are filed under Section 34 of the Arbitration & Conciliation Act, 1996, arising out of arbitral award passed in a dispute arising out of a construction/infrastructural project/commercial contract entered into between the parties.

2. Commercial Division has been constituted in this Court on 24.10.2024. In view of definition of “Commercial dispute” in Section 2(c)(vi) of Commercial Courts Act, which includes disputes arising out of construction & infrastructures contracts, including tenders; Section 6 of the said Act giving jurisdiction to the Commercial Court for trying commercial dispute of specified value; and Section 15 of the Act relating to transfer of suits, applications, including applications under Arbitration & Conciliation Act, relating to commercial dispute of specified value pending in the High Court, where the Commercial Division has been constituted, this Court has no jurisdiction to try these



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petitions. The jurisdiction to decide the matters would be that of Commercial Division.

3. Learned counsel for the parties also submitted that these matters are required to be transferred to Commercial Division.

In view of above, the present petitions are transferred to the Commercial Division of this Court.

November 25, 2025
Mukesh

Jyotsna Rewal Dua
Judge