

HPPCL Vs. Hindustan Construction Company Ltd.

Arb. Case No. 845/2023

27.02.2025 Present: Mr. Vinay Kuthiala, Sr. Advocate with Mr. Devi Singh, Advocate, for the petitioner.

Mr. Janesh Gupta, Advocate, for the respondent.

Instant petition is filed under Section 34 of the Arbitration & Conciliation Act, 1996, arising out of arbitral award passed in a dispute arising out of construction & infrastructure contracts, including tenders 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 the instant petition. The jurisdiction to decide the matter would be that of Commercial Division.

3. Learned counsel for the parties also submitted that this matter is required to be transferred to Commercial Division.

In view of above, this petition is transferred to the Commercial Division of this Court.

Jyotsna Rewal Dua
Judge

27th February, 2025 (rohit)