

Engineer-in-Chief Himachal Pradesh public Works Department & ors. versus Sirmour Singh a/w connected matter.

Arbitration Case No.456 of 2023 a/w Arbitration Case No.466 of 2023.

Arbitration Case No.456 of 2023

23.12.2025. Present: Mr. S.D. Vasudeva, Deputy Advocate General for the petitioners-State.

Mr. Anshul Gandhi, Advocate vice Mr. C.N. Singh, Advocate, for the respondent.

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Mr. Anshul Gandhi, Advocate vice Mr. C.N. Singh, Advocate, for the petitioner.

Mr. S.D. Vasudeva, Deputy Advocate General for the respondents-State.

Instant matters under Section 34 of the Arbitration and Conciliation Act, 1996 assailing the Award, passed in a dispute arising out of a commercial contract between the parties.

2. Learned State Counsel represents that the instant matters falls within the definition of commercial dispute in Section 2(c) of the Commercial Courts Act. This fact is not disputed by opposite counsel.

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.

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 over such arbitration where such Commercial Court has been constituted.”*

4. 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.

5. Vide Notification dated 24.10.2024, the Commercial Division has been constituted in this Court.

6. In aforesaid backdrop, since the subject matter herein, falls within the purview of the Commercial Courts Bench of this Court.

Accordingly, place these matters before Hon'ble the Chief Justice, for appropriate orders for listing the instant matters before the Commercial Court of this Court.

December 23, 2025
[Shivender]

(Ranjan Sharma)
Judge