

State of H.P. & Anr. Vs. Jaiprakash Power Ventures Ltd. & Anr.

Arb. Case No.129 of 2021

10.01.2025 Present: Mr. J.S. Bhogal, Senior Advocate with Ms. Srishti Verma and Ms. Swati Verma, Advocates, for the petitioners.

Mr. Arjun Lall, Advocate, for the respondents.

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 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) 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.

January 10, 2025
Mukesh

Jyotsna Rewal Dua
Judge