

Dugar Hydro Power Ltd. Vs. State of H.P. a/w connected matter

Ex. Pet. No.34 of 2020
a/w CARBC No.4 of 2020

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10.12.2024 Present: Mr. Janesh Gupta, Advocate, for the decree holder.

Mr. L.N. Sharma, Additional Advocate General, for the judgment debtor.

CARBC No.4 of 2020

Mr. Vinay Kuthiala, Senior Advocate with Mr. Diwan Singh Negi, Advocate, for the petitioner.

Mr. Janesh Gupta, Advocate, for the respondent.

CARBC No.4 of 2020

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; 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; and also taking note of report of Registry, pursuant to the order dated 28.11.2024, 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 released and to be transferred to Commercial Division.

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

December 10, 2024
Mukesh

Jyotsna Rewal Dua
Judge