

UIO & Anr. Vs M/s Garg & Garg Co.

Arb. Case No. 366 of 2025

23.4.2026      **Present:**      Mr. Balram Sharma, DSGI, Advocate, for the petitioners.

Ms. Srishti Chauhan, Advocate, for the respondent.

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

2.            Mr. Balram Sharma, learned Deputy Solicitor General of India for the petitioners represents that the instant matter falls within the definition of commercial dispute in Section 2(c) of the Commercial Courts Act.

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.

In aforesaid backdrop, since the subject matter herein, falls within the purview of the Commercial Courts Bench of this Court, accordingly, place the matter before Hon'ble the Chief Justice, for appropriate orders for listing the instant matter before the Commercial Court of this Court.

**(Romesh Verma)**  
**Judge**

**April 23, 2026**  
*(Guleria)*