



Sr. No. 2026:JKLHC-SGR:193-DB

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

(Through Virtual Mode)

Case No. : CM No. 1936/2026 in
RP No. 12/2026
CM No. 1937/2026

Date of Pronouncement : 05.06.2026
Uploaded on : 06.06.2026.

UT of J&K and another Appellant/Petitioner(s)

Through: Mr. Mohd. Younis Hafiz, Assisting Counsel
vice Mr. Abdul Rashid Malik, Sr. AAG

Vs

M/s Gulati Metals and alloys and another Respondent(s)

Through: Mr. Karman Singh Johal, Advocate

Coram: HON'BLE THE CHIEF JUSTICE (ACTING)
HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE

ORDER (ORAL)

Sanjeev Kumar-ACJ

CM No. 1936/2026 :

This is a petition filed by the Union Territory of Jammu and Kashmir and Executive Engineer, Transmission Line Maintenance seeking review of an order and judgment dated 19.12.2025 passed by this Court in Arbitration Application No. 11/2025 titled '*UT of J&K and another Vs. M/s Gulati Metals & Alloys and another*'. The review petition is delayed by 82 days and, therefore, the application under Section 5 of the Limitation Act.

For the reasons stated in the application, the same is allowed and the delay of 82 days in filing the review petition is condoned.

Disposed of accordingly.

RP No. 12/2026 :

The order dated 19.12.2025 passed by this Court in Arbitration Application No. 11/2025 is sought to be reviewed on the ground that this Court,



while upholding the order dated 18.08.2025 passed by the Commercial Court, Srinagar, has not directed the return of the petition filed under Section 34 of the Arbitration and Conciliation Act, 1996 for its presentation before the court of competent jurisdiction. It is contended that the application under Section 34 of the Act filed by the petitioners was rejected by the Commercial Courts in terms of order impugned, primarily, on the ground that it lacks jurisdiction.

Mr. Karman Singh Johal, learned counsel appearing for the respondents, fairly, submits that the aforesaid error pointed out by the petitioners may be corrected as the same would be in consonance with law.

Having heard learned counsel for the parties and perused the record, the judgment and order dated 19.12.2025 under review is modified by providing that the Commercial Court shall return the petition filed by the petitioners herein under Section 34 of the Act for its presentation before the court of competent jurisdiction strictly on the analogy of the provisions of Order 7 Rule 10 of the Code of Civil Procedure.

The judgment dated 19.12.2025 is, thus, modified to the aforesaid extent and the present petition is disposed of.

Interim direction, if any, shall stand vacated.

(Sindhu Sharma)
Judge

(Sanjeev Kumar)
Chief Justice (Acting)

Jammu :
05.06.2026
Pawan Chopra/Secy