

THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

AA No. 25/2017 c/w
AA no. 06/2014

Chief Engineer USHP and another ...Appellant(s)/Petitioner(s)

Through: Mr. M. A. Chahsoo, AAG for petitioner in AA No. 25/2017 and
respondent in AA no. 06/2014

Vs.

UT of JK and others ...Respondent(s)

Through:

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER

12.08.2022

In both these Arbitration applications, the impugned judgement dated 10.03.2014 passed by the Court of learned Principal District Judge, Srinagar under Section 34 of the Jammu and Kashmir Arbitration and Conciliation Act, 1997 is common. The contract out of which the dispute between the parties herein came to be accrue to find its way to the arbitration is of the date 11.05.1989 when the Jammu and Kashmir Arbitration Act, 1945 which governed the subject matter of the dispute and also the arbitration clause as provided in the said Contract. However, the entire course of proceedings between the petitioners and the respondents have come to take place under Jammu and Kashmir Arbitration and Conciliation Act, 1997. This aspect needs to be examined by this Court as to the legality and validity of the entire course of the proceedings initiated and undertaken under the Jammu and Kashmir Arbitration and Conciliation Act, 1997 with respect to an arbitration clause governed by the Arbitration Act, 1945.

List for consideration and await the appearance of respondents in AA no. 25/2017 and await appearance of petitioner in AA no. 06/2014.

List on 14.09.2022.

(RAHUL BHARTI)
JUDGE