

**IN THE HIGH COURT OF HIMACHAL PRADESH,
SHIMLA**

**Arbitration Appeal No. 66/2024
Decided on: 05.12.2024**

Chaudhary Sarwan Kumar Himachal Pradesh Krishi
VishvavidyalayaAppellant

Versus

Himachal Pradesh Farmers' ForumRespondent.

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Coram

Ms. Justice Jyotsna Rewal Dua, Judge.

Whether approved for reporting?¹

For the Appellant : Mr. Naresh K. Sharma, Advocate.

For the respondent : Mr. Suneet Goel, Sr. Advocate with
Mr. Vivek Negi, Advocate.

Jyotsna Rewal Dua , J

This appeal under Section 37 of the Arbitration and Conciliation Act, 1996 (the Act in short) arises out of a judgment passed by the learned District Judge Kangra at Dharamshala on 29.02.2024 dismissing objections preferred by the appellant under Section 34 of the Act.

2. The appellant was the claimant before the learned Sole Arbitrator. Its claim was dismissed under the arbitration award passed on 14.08.2019. Appellant preferred objections under Section 34 of the Act before the learned District Judge Kangra at Dharamshala. Learned District Judge Kangra at Dharamshala

¹ Whether reporters of the local papers may be allowed to see the judgment? yes

dismissed the objections on 29.02.2024 being devoid of merit. The operative portion of the judgment reads as under:-

“24. In view of above, it is safely said that the findings returned by the learned arbitrator are sustainable in facts and law and are not liable to be interfered with by this court. Hence, this point is answered in affirmative and against the objector.

25. In view of the findings on point No.1 above, the objections filed by the objector being devoid of merit are dismissed with cost. Memo of cost be prepared accordingly. File after due completion be consigned to the record room.”

3. While answering the objections taken by the respondent concerning the maintainability of objections-petition preferred by the appellant *vis-a-vis* territorial jurisdiction, the findings recorded were as under:-

“21. The Hon'ble Court therefore has held that where there is no other significant contrary indicia in the agreement that the stated venue is merely a venue and not the seat of arbitral proceedings, it would conclusively show that such a clause designates a seat of arbitral proceedings. Also, when no alternative place as a seat has been designated, it would indicate that the parties intended to anchor arbitral proceedings to a particular place, signifying thereby, that the said place is the seat of arbitral proceedings.

22. In Hindustan Construction Company Limited Vs. NHPC² (supra), the Hon'ble Court held that once the seat of arbitration is designated, the same operates as an exclusive jurisdiction and only courts within whose jurisdiction the seat was located, would have jurisdiction to exclusion of all other courts.

23. In the case in hand, the learned arbitrator was based in Shimla and the entire proceedings were conducted at Shimla. Thus, the designated seat of arbitration was at Shimla. Therefore,

²(2020) 4 SCC 310

the courts at Shimla were having the jurisdiction to entertain the entire subsequent proceedings arising from the arbitration to the exclusion of all other courts. In view thereof, the objections under Section 34 of the Arbitration and Conciliation Act are not maintainable before this court.”

4. Having come to the conclusion that the objections under Section 34 of the Act were not maintainable before the Court of District Judge Kangra at Dharamshala; that only the Courts at Shimla were having jurisdiction to entertain the proceedings arising from the arbitration to the exclusion of all other Courts; the findings on merits of the objections were unwarranted. In case, learned District Judge Kangra at Dharamshala did not have jurisdiction or in other words objections under Section 34 of the Act preferred by the appellant were not maintainable before the said Court, there was no occasion for the said Court to have returned findings on the merit of the objections. For that reason alone, the judgment dated 29.02.2024 passed by the learned District Judge Kangra at Dharamshala, is set aside. Parties alongwith their respective learned counsel are directed to remain present before the learned District Judge Kangra at Dharamshala on **16.12.2024**, when objections preferred by the appellant shall be returned to it for its presentation, if any, before the competent court having jurisdiction, in accordance with law.

With above direction, the present appeal is disposed of,
so also the pending miscellaneous application(s), if any.

Jyotsna Rewal Dua
Judge

05th December, 2024
(rohit)