



2025:CGHC:37694

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

REVP No. 109 of 2025

Tuna Envirotech Private Limited, 4f-02, Global Foyer, Golf Course Road, Sector-43, Gurugram-122002, Haryana (India), Presently At 6f-02, Global Foyer, Golf Course Road, Sector-43, Gurugram-122002, Haryana (India).....(Respondent)

... **Petitioner(s)**

versus

Galax Infra And Sports Through - Shadab Iqbal, S/o Late Md. Kalim Iqbal, Aged About 41 Years, Presently Working As Parnter, Galax Infra And Sports, A-1, Radhika Nagar, Supela, Bhilai, C.G. - 490023.....
(Applicant)

... **Respondent(s)**

For Petitioner(s) : Mr. Ranjit Prakash (through VC) along with
Mr. Harshmander Rastogi, Advocate

For Respondent(s) : Mr. Prakanth Sethi, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

31/07/2025

1. By this review petition, the review petitioner seeks review of the order dated 01.04.2025 passed by this Bench in ARBR No. 39 of 2024, whereby Mr. N.D. Tigala, a retired District Judge was

appointed to act as the Sole Arbitrator to adjudicate the disputes between the parties arising out of contract dated May 2021 signed between the parties.

2. The respondent -Galax Infra and Sports had filed arbitration petition being ARBR No. 39/2024 seeking appointment of an arbitrator to resolve the dispute between the parties.
3. On 01.04.2025, this Court was pleased to appoint Mr. N.D. Tigala, a retired District Judge to act as the sole arbitrator. On the said date, none had appeared on behalf of the review petitioner.
4. From perusal of the records it transpires that while hearing the arbitration request, vide order dated 20.11.2024, this Court had issued notices to the review petitioner-Tuna Envirotech Private Limited, however, as the notices could not be served, on 18.02.2025, the respondent herein- Galax Infra and Sports was directed to serve notices to the review petitioner- Tuna Envirotech Private Limited by way of paper publication which was duly complied with and pursuant to the said direction, the respondent herein- Galax Infra and Sports also filed an application for taking service report on record.
5. On 01.04.2025, when the arbitration request was finally disposed of, none had appeared on behalf of the review petitioner- Tuna Envirotech Private Limited.
6. Learned counsel for the review petitioner submits that since the review petitioner could not appear on 01.04.2025, the counsel for the applicant (respondent herein)- Galax Infra and Sports had

made some incorrect submissions and the fact that this petition was not maintainable before this Court was not brought to the knowledge of this Court. As the agreement between the parties clearly provide that in case any dispute arises the same would be subject to Arbitration and Conciliation Act, 1996 and the jurisdiction shall be at New Delhi. Arbitrator shall be decided on mutual consent basis and the fees shall be borne 50:50, the said fact has been concealed by the applicant (respondent herein)- Galax Infra and Sports and as such the order passed by this Court appointing Mr. N.D. Tigala as the sole arbitrator is erroneous which needs to be recalled.

7. On the other hand Mr. Prakant Sethi, learned counsel for the applicant (respondent herein)- Galax Infra opposes this review petition and submits that this Court can appoint an arbitrator to resolve the dispute between the parties.
8. I have heard learned counsel for the parties and perused the pleadings and the material available on record and also the records of arbitration petition ARBR No. 39/2024.
9. On perusal of the agreement (Annexure P/1 to ARBR No. 39/2024) entered into between the parties, it transpires that clause 12 of the said agreement provides for arbitration, which reads as under:-

"In case any dispute arises, the same shall be subject to Arbitration and Conciliation Act, 1996 and the jurisdiction shall be New Delhi.

Arbitrator shall be decided on mutual consent basis, and the fees shall be borne 50:50.”

10. From perusal of the above, it is evident that the jurisdiction lies at New Delhi and not before this Court and as such, the applicant (respondent herein)- Galax Infra and Sports ought to have taken recourse to law before the competent court at New Delhi. As such the order dated 01.04.2025 is recalled and the arbitration petition ARBA No. 39/2024 stands dismissed. However, liberty is reserved to the applicant (respondent herein)- Galax Infra and Sports to take recourse to appropriate forum in accordance with law.
11. Accordingly, this review petition stands **allowed**.

Sd/-

(Ramesh Sinha)
Chief Justice

Madhurima