



**CM-12610-CII-2025 in/and  
CR-3548-2025**

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**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**120**

**CM-12610-CII-2025 in/and  
CR-3548-2025  
Date of Decision: 08.07.2025**

**Ikaum Impex**

**...Petitioner(s)**

**Versus**

**Kotak Mahindra Prime Limited**

**...Respondent(s)**

**CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

Present:- Ms. Sonia Alag, petitioner in person

**TRIBHUVAN DAHIYA, J. (Oral)**

Application is allowed. Complete copy of the loan agreement, dated 30.09.2013, already attached as Annexure P-2 with the main petition, is taken on record, subject to all just exceptions.

2. The petition has been filed for setting aside the order dated 06.03.2020, Annexure P-9, passed by learned Additional District Judge, Kapurthala, whereby the petitioner's application/objection petition under Section 34 of the Arbitration and Conciliation Act, 1996 (for short 'the 1996 Act') for setting aside the arbitral award dated 20.12.2014 has been returned to be presented before the Court having competent jurisdiction within a period of thirty days.

3. The impugned order has been passed on the ground that objection petition under Section 34 of the 1996 Act is required to be filed at a place where the arbitration award has been passed. Since the arbitral proceedings were conducted at Chandigarh, where the award was passed, it was held that the



Court at Kapurthala will not have the jurisdiction to entertain and try the objections. It is also apparent on record that the petitioner thereafter filed an application seeking review of the order which was dismissed by learned Additional District Judge vide order dated 29.03.2025.

4. Ms. Sonia has contended that learned Additional District Judge has wrongly refused to entertain the objection petition for want of jurisdiction. It is because the arbitration agreement itself is a result of fraud as she being a partner of the petitioner firm never signed the loan agreement with the respondent for financing the vehicle. The fraud has been committed on the petitioner by the earlier partner/Managing Director who executed the agreement at her back. She even lodged an FIR against him and bank officials, dated 24.05.2014. It is, however, not disputed that trial in the case has been stayed under orders of this Court. She further contends that FIR relating to the fraud had been registered at Kapurthala, and registered office of the firm is also at Kapurthala; therefore, the objection petition could not have been dismissed for want of jurisdiction, as the District Court at Kapurthala will have the jurisdiction to adjudicate objections against the arbitral award which relates to alleged disputes arising of a loan agreement which is outcome of a fraud.

5. Heard.

6. It remains undisputed on record that the arbitral proceedings were conducted at Chandigarh, where the award in question, dated 20.12.2014, was also passed against the petitioner with respect to a loan agreement dated 30.09.2013. The allegations are that the said agreement is an outcome of fraud having been committed on a partner of the petitioner firm. Regarding the alleged fraud, the petitioner has already availed the remedies and has filed a criminal case against its perpetrators. The ingredients of the said fraud or the



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proceedings initiated in that regard can have no bearing on the arbitral proceedings so far as issue of jurisdiction to file objection petition is concerned. Since the arbitral proceedings were held at Chandigarh, where the award was also passed, no exception can be taken to the view taken by learned Additional District Judge, Kapurthala, vide impugned order dated 06.03.2020, returning the objection petition of the petitioner for presentation before the Court of competent jurisdiction.

7. Since thirty days' time granted to the petitioner to present objections to the competent Court is already over, the petitioner will be entitled to file objection petition under Section 34 of the 1996 Act before the competent Court within thirty days from today. The impugned order, accordingly, stands modified only to that extent and the petition stands disposed of.

**(TRIBHUVAN DAHIYA)  
JUDGE**

**08.07.2025**

*Payal*

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No