

**RA-CR-129-2025, CM-17398-CII-2025, CM-17399-CII-2025**

**IN**

**ARB-202-2025**

**SHRI RAM INDUSTRIES**

**V/S**

**SHRI RAM INDUSTRIES**

Present: - Mr. Sachin Chopra, Advocate,  
Mr. Kamal Bansal, Advocate and  
Mr. Vivek Sethi, Advocate for the applicant  
  
Mr. Avinit Avasthi, Advocate and  
Mr. Nikhil Goyal, Advocate for the respondent  
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**RA-CR-129-2025**

1. The applicant through instant application is seeking review of order dated 16.07.2025 passed by this Court whereby application of respondent seeking appointment of Arbitrator under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short '**1996 Act**') was allowed.
2. Mr. Avinit Avasthi, Advocate appeared and filed his Power of Attorney on behalf of the respondent. The same is taken on record. Registry is directed to tag the same at an appropriate place.
3. The applicant submits that in view of amendment of Section 11(11) of 1996 Act by Arbitration and Conciliation (Amendment) Act, 2019 (for short '**2019 Amendment Act**'), in case applications are made to more than one Arbitral Institution, the Arbitral Institution to which the request has been made first shall be competent to appoint the Arbitrator. In the case in hand, the application was made before Delhi High Court as well as this Court. The application was not made before Arbitral Institution as contemplated by Section 11(11) of 1996 Act, thus, this Court has wrongly relied upon unamended Section 11(11) of 1996 Act. As per amended Section

11(11), question of priority in filing application arises in case of application before different Arbitral Institutions.

Learned counsel for the applicant further submits that cause of action had arisen within jurisdiction of Delhi High Court, thus, this Court was not competent to invoke its jurisdiction under Section 11(6) of 1996 Act.

4. From the perusal of review application as well as arguments of learned counsel for the applicant, it is evident that applicant is claiming that amended Section 11(11) has come into effect w.e.f. 09.08.2019 i.e. the date on which President of India granted assent to 2019 Amendment Act. Section 1(2) of 2019 Amendment Act provides that provisions of the amended Act would come into force from the date on which Central Government issues notification and different dates may be notified for different provisions. In exercise of power conferred by Section 1(2) of 2019 Amendment Act, the Central Government issued notification dated 30.08.2019 whereby Sections 1, 4 to 9 (both inclusive), 11 to 13 (both inclusive) and 15 of 2019 Amendment Act came into force. Amendment in Section 11 of 1996 Act was made by Section 3 of 2019 Amendment Act. The said Section has not been brought into force.

5. Despite being asked repeatedly, learned counsel for the applicant stucked to his argument that amendment of Section 11 has already come into force w.e.f. 09.08.2019. The argument of applicant is misconceived and contrary to notification on record.

6. The applicant has further raised question of jurisdiction. The main case was disposed of in the presence of counsel for the review applicant. At that stage, no objection with respect to jurisdiction was raised.

The non-applicant/respondent had placed on record Annexure P-2 to invoke jurisdiction of this Court. Annexure P-2 is registration certificate issued by State GST Authorities. In the said certificate, it is specifically mentioned that principal place of business is at Jhajjar, Haryana. The non-applicant/respondent has also placed on record copy of ledger from April' 2023 to June' 2024 wherein address of the firm is disclosed as Bahadurgarh, Jhajjar, Haryana. These documents collectively prove that parties were operating within jurisdiction of this Court, though, could be at Delhi also.

7. The contention of the applicant that in the partnership deed place of business is mentioned as Delhi, thus, this Court has no jurisdiction is misconceived in view of GST registration certificate which is later in time. The authenticity of GST Certificate is undisputed. It is apt to notice that this Court has made appointment under Section 11(6) of 1996 Act. The applicant approached Delhi High Court seeking appointment of an Arbitrator. It means the applicant is not disputing that the matter should be resolved through an Arbitrator, however, it wants that appointment should be made by Delhi High Court.

8. In the wake of above discussion and findings, this Court is of the considered opinion that there is no factual or legal infirmity in the order dated 16.07.2025 passed by this Court warranting review.

9. Dismissed.

10. Pending application(s), if any, shall stand disposed of.

**(JAGMOHAN BANSAL)**  
**JUDGE**

**08.09.2025**  
*Mohit Kumar*