

**ADITYA BIRLA PVT. LTD. VS. BIREN SAHNI**

Present: Mr. Chetan Mittal, Senior Advocate, with  
Mr. Pawan Kumar Pahwa, Advocate,  
for the appellant.

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The dispute in the present appeal apparently is whether the Court in Ludhiana had jurisdiction to entertain the application under Section 34 of the Arbitration and Conciliation Act, 1996, (for short 'the Act'), or not, as the same had been returned to the appellant with liberty to file the same at Delhi Courts within a period of two months from the date of the impugned order dated 15.05.2023.

It is brought to our notice that the plot of the land which was leased out is situated in Ludhiana and the arbitration clause provided that the Arbitration would be at Delhi, which was duly done. It is also brought to our notice that the cross petition under Section 34 of the Act was withdrawn by the respondent before the application under Section 151 CPC was filed, which has been allowed.

Notice of motion.

Mr. Vaibhav Sehgal, Advocate, who is the instructing counsel of Sh. Gaurav Chopra, Senior Advocate, appear and accept notice on behalf of the respondent and has filed his power of attorney in Court today, which is taken on record.

Mr. Chopra submits that the appeal would not be maintainable.

Requires consideration.

Adjourned to 04.09.2023.

**(G.S. SANDHAWALIA)**  
**JUDGE**

**August 02, 2023**  
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**(HARPREET KAUR JEEWAN)**  
**JUDGE**