

From,

Registrar General,
High Court of Uttarakhand,
Nainital.

To,

All the District & Sessions Judges,
State Judiciary,
Uttarakhand.

C.L. No. 07 /UHC/Admin.-B/2025

Dated:27th June, 2025

Subject:- Impleadment of Arbitrators as party-respondents in petitions under section 34 of the Arbitration and Conciliation Act, 1996.

Sir/Madam,

On the subject above, please find enclosed herewith order dated 16.06.2025 of the Hon'ble High Court (*copy enclosed*), passed in A.O. No. 188 of 2025 titled as "*Uttarakhand Transport Corporation through its Managing Director vs. GTM Builders & Promoters Pvt. Ltd. through its Director and others*", wherein the Hon'ble Court has been pleased to observe as follow:-

"2. We have perused the memo of appeal, more particularly, the cause-title. It is seen that even the three arbitrators have been named as party-respondent in the application under Section 34.

3. In the absence of any personal allegation against the arbitrator arraying the adjudicating authority or body, is not the requirement of law. Neither, they are necessary party, nor a proper party.

4. Hence, the Registrar General shall issue circular to all the courts below and to the Scrutiny Branch in the High Court bringing this position to the knowledge of concerned and for strict implementation."

2. The aforesaid Order of Hon'ble Court is accordingly circulated for the compliance. For effective compliance of order of the Hon'ble Court, I am further directed to say that when petitions are

filed under section 34 of the Arbitration and Conciliation Act, 1996, their scrutiny be done at office/section level for report to the Court. It is also directed that Presiding Officers of the Courts below shall also examine the petitions at their end for effective compliance of directions of Hon'ble Court.

These instructions are for strict compliance.

Yours sincerely,

(Yogesh Kumar Gupta)
Registrar General

No. 4017/UHC/Admin.-B/2025

Dated:27th June, 2025

Copy for information and necessary action :-

- (i) P.P.S. to Hon'ble the Chief Justice for placing a copy before His Lordship.
- (ii) All the Private Secretaries to Hon'ble Judges for placing a copy before their Lordships.
- (iii) P.A. to Registrar General of Hon'ble Court.
- (iv) All the Registrars of the Hon'ble Court.
- (v) Secretary, High Court Legal Services Committee.
- (vi) Joint Registrar (IT)/CPC of the Hon'ble Court.
- (vii) All the Joint Registrar/Deputy Registrar/Assistant Registrars/Section Officers of the Hon'ble Court.
- (viii) All the Judicial Sections of the Hon'ble Court.
- (ix) Principal Judges/Addl. Principal Judges/Judges, Family Court, State of Uttarakhand.
- (x) Director, Uttarakhand Judicial & Legal Academy, Bhowali, Nainital.
- (xi) Principal Secretary, Law-cum-LR, Dehradun.
- (xii) Chairman, Commercial Tax Tribunal, Dehradun.
- (xiii) Chairman, State Transport Appellate Tribunal, Dehradun.
- (xiv) Registrar, State Consumer Redressal Commission, Dehradun.
- (xv) Member Secretary, Uttarakhand State Legal Services Authority, Nainital.

- (xvi) Presiding Officer, Industrial Tribunal-cum-Labour Court, Haldwani, District Nainital.
- (xvii) Presiding Officer, Labour Courts, Dehradun, Haridwar & Kashipur, District Udham Singh Nagar.
- (xviii) Presiding Officer, Food Safety Appellate Tribunal, Dehradun & Haldwani.
- (xix) Presiding Officer, Commercial Courts, Haldwani & Dehradun.
- (xx) Registrar, Public Service Tribunal, Uttarakhand, Dehradun.
- (xxi) Secretary-cum-Registrar, State Level Police Complaint Authority, Dehradun.
- (xxii) Chairman, Permanent Lok Adalat, Dehradun, Haridwar, Nainital and Udham Singh Nagar.
- (xxiii) Deputy Registrar (IT) of the Hon'ble Court with a request to upload the same on the website of the High Court of Uttarakhand.
- (xxiv) Guard File.

Registrar General



IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

AO NO. 188 OF 2025

DISTRICT: DEHRADUN

1 - UTTARAKHAND TRANSPORT CORPORATION

..... Petitioner

Versus.

1 - GTM BUILDERS AND PROMOTERS PVT. LTD.
2 - HONBLE MR. JUSTICE SH. IRSHAD HUSSAIN
3 - V.K, MAHESHAWARI
4 - BALVEER PRASAD

..... Respondent

Petitioner Advocate: ABHILASHA TOMAR

Respondent Advocate:



27-06-2025



SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>AO No. 188 of 2025</p> <p><u>Hon'ble G. Narendar, C.J.</u> <u>Hon'ble Alok Mahra, J.</u></p> <p>Ms. Abhilasha Tomar, learned counsel for the appellant.</p> <p>2. We have perused the memo of appeal, more particularly, the cause-title. It is seen that even the three arbitrators have been named as party-respondent in the application under Section 34.</p> <p>3. In the absence of any personal allegation against the arbitrator arraying the adjudicating authority or body, is not the requirement of law. Neither, they are necessary party, nor a proper party.</p> <p>4. Hence, the Registrar General shall issue circular to all the courts below and to the Scrutiny Branch in the High Court bringing this position to the knowledge of concerned and for strict implementation.</p> <p>5. Issue notice to respondent no. 1.</p> <p>6. Notice to respondent no. 2 and 4, being the arbitrators, is dispensed with.</p> <p>7. We have heard learned counsel for the appellant.</p> <p>8. Whether the Arbitrator Tribunal was justified in awarding the refund of the security deposit even after the failure of the contractor to even commence the works despite the completion of the contractual period.</p> <p>9. List this matter on 08.07.2025.</p> <p>10. Interim stay, as prayed for, subject to appellant furnishing security by way of FDR for the sum equivalent to 50% of the award. Deposit shall be made within two</p>



weeks. In the meanwhile, there shall be a stay of operation and execution of the impugned award dated 24.09.2023.

11. FDR to be made in the Nationalized bank and receipt to be deposited with the Registrar (Judicial).

(Alok Mahra, J.)

16.06.2025

Ujjwal

(G. Narendar, C.J.)

16.06.2025



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