

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

Civil Revision No.6033 of 2016

Date of Decision: September 16, 2016

New Satluj School, Shakti Nagar, Barnala Road, Sirsa

...Petitioner

Versus

Managing Director, M/s Edu.Smart Services Pvt.Ltd., New Delhi & another

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.Rakesh Nagpal, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

Petitioner-plaintiff is aggrieved of the impugned order, whereby the application at the instance of the respondent-defendants has been allowed and the matter has been referred to the Arbitrator and the suit had been held to be not maintainable in view of Section 8 of the Arbitration and Conciliation Act, 1996.

Mr.Rakesh Nagpal, learned counsel for the petitioner-plaintiff submits that the challenge in the suit was to the agreement dated 19.4.2011 containing the arbitration clause on the premise that it had already stood terminated since 25.9.2013 and, therefore, the arbitration clause has also become ineffective. This aspect has not been appreciated by the trial Court, in essence once the agreement has been terminated, all the terms and conditions cannot be looked into for adjudication of the dispute.

I have heard the learned counsel for the petitioner, appraised the paper book and of the view that the aforementioned argument is totally

inconsonance with the settled cannon of law, much less judgment rendered by the Hon'ble Supreme Court. Even if, according to one of the party, the agreement has been terminated, the arbitration clause containing resolution of dispute by arbitrator does stand. The parties have to resort to the arbitration by filing claim and counter claim and not in the manner and mode as has been done.

In my view, the order allowing the application is perfectly justified, much less as per settled law. No ground for interference is made out.

Petition stands dismissed.

September 16, 2016
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No