

Sr. No.218

**CM No. 6264 of 2014 in/and
CWP No. 19697 of 2012**

Simarjit Singh

versus

Union of India and others

Present: Mr. Kanwaljit Singh, Sr. Advocate with
Mr. Ajaivir Singh, Advocate
for the petitioner.

Mr. A.K.Bansal, Advocate
for UOI.

Mr. Raman Sharma, Advocate
for respondents No. 2 to 5.

This application is filed under Section 8 of the Arbitration and Conciliation Act, 1996(for short, 'the Act') seeking dismissal of the petition and for relegating the petitioner to the remedy of arbitration in terms of clause 19 of the agreement.

Counsel for the petitioner has not disputed the existence of the provision of arbitration in the agreement but it is submitted that the order of termination of Retail Outlet of the petitioner may be set aside though the supplies may not be resumed so that termination order may not influence the mind of the arbitrator.

On the other hand, counsel for the applicant/respondents No. 2 to 5 has submitted that all disputes are referable to arbitrator who will decide as to whether the order of termination has to be maintained or not.

After hearing learned counsel for the parties, I am of the considered opinion that the application filed by the applicant/respondents No. 2 to 5 deserves to be allowed because of arbitration clause in the agreement and parties are relegated to the arbitration, in terms of clause 19

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of the agreement. It is made clear that the arbitrator shall take a decision on
the merit of the case without being influenced by any observation made.

Petition is disposed of.

6th October, 2016
Shivani Kaushik

[Rakesh Kumar Jain]
Judge