

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

CR-1709 of 2017

Date of decision:- 31.12.2020

M/s Madan Lal Wadhwa and Co.

...Petitioner

Vs.

Hindustan Petroleum Corpn. Ltd

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. D.S. Gandhi, Advocate,
for the petitioner.

Mr. Raman Sharma, Advocate
for the respondent.

Ritu Bahri, J.

The present civil revision petition under Article 227 of the Constitution of India is for setting aside of order dated 10.10.2011 (P-4) passed by learned Civil Judge (Sr. Divn.) Amritsar whereby the matter in suit has been referred to Arbitrator on the application of the respondent. Further prayer is for setting aside of order dated 16.12.2016 (P-12) passed by learned Civil Judge (Jr. Divn.), Amritsar whereby the application of the petitioner under Order 47 Rule 1 read with Section 151 CPC for review of order dated 10.10.2011, has been dismissed.

Heard learned counsel for the parties at length.

A bare perusal of order dated 10.10.2011 (P-4) shows that the trial Court has referred to clause in the agreement between the parties executed on 18.08.1986. In the agreement Annexure A-1 placed on record vide C.M. No. 10313-CII-2020 in C.R. No. 1605-2017, it has been agreed

between the parties that in the case of the dispute, the matter will be referred to Arbitrator. The terms of the agreement are not in dispute between the parties and as per clause 29 of the above agreement, any dispute or difference of any nature whatsoever or regarding any right, liability act, commission or account or any of the parties hereto arising out of or in relation to this agreement shall be referred to the sole Arbitrator of the Managing Director of the Corporation or of some officer of the Corporation.

Since the terms of the agreement were not in dispute between the parties, the impugned orders (P-4 and P-12) had rightly been passed and the matter was referred to arbitrator. The review application has rightly been dismissed.

Accordingly, the revision petition is dismissed.

31.12.2020

G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No