

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

CR-6066-2017(O&M)

Date of decision: 25.08.2022

M/s Eminent Developers

.... Petitioner

Versus

M/s Spencer's Retail Limited & ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Munish Gupta, Advocate
for the petitioner.

Mr. Naveen Sharma, Advocate,
for the respondents.

ANIL KSHETARPAL, J (Oral)

An application filed by the defendants under Section 8 of the Arbitration & Conciliation Act, 1996, has been allowed while relegating the parties to the remedy of arbitration. The Arbitration clause is contained in a lease agreement dated 16.04.2007.

Heard learned counsel representing the parties at length and with their able assistance perused the paper book.

Learned counsel representing the petitioner contends that the lease agreement came to an end and thereafter, the parties entered into a settlement agreement dated 14.01.2010 in which there is no provision for settlement of the dispute through an Arbitral Tribunal. It has been contended that the plaintiff has filed a suit for recovery of the amount of taxes paid by him to the department.

On the other hand, learned counsel representing the respondents contends that the settlement agreement dated 14.01.2010 is in continuation of the lease agreement.

On reading the order, it is evident that the Civil Court while deciding application under Section 8 of the Arbitration and Conciliation Act, 1996, did not consider the aforesaid aspects of the matter. On the one hand, the plaintiff claims that the lease deed came to an end and on account of subsequent agreement, the previous agreement could not be enforced. On the other hand, defendants claim that the matter is required to be referred to the arbitrator.

Since the trial Court has not considered these aspects, hence, it is considered appropriate to request the trial Court to pass a fresh order after considering all these aspects. Consequently, the order dated 15.05.2017 is set aside. The parties through their counsel are directed to appear before the Civil Court on **21.09.2022**. The Court is requested to re-decide the application under Section 8 of the Arbitration and Conciliation Act, 1996, within a period of one month.

Petition stands disposed of accordingly.

25.08.2022
monika

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No