

**201-1 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR-7023-2015 (O&M)

Date of decision: 09.05.2022

Rohtak City Welfare Society (Regd)

....Petitioner

Versus

Municipal Corporation, Rohtak through its Commissioner, Rohtak and
another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Surinder Gandhi, Advocate for the petitioner

Mr. Deepak Baliyan and

Mr. Viresh Dahiya, Advocates for the respondents

ANIL KSHETARPAL, J (Oral)

While assailing the correctness of the order passed by the Civil Judge, Junior Division, Rohtak, the plaintiff has filed the present revision petition. Learned court has referred the parties to the Arbitrator while misconstruing the agreement between the parties. Admittedly, there is no agreement or clause in the agreement for resolution of the dispute through arbitration. The court has interpreted clause (viii) and (x) of the agreement, which are extracted as under:-

“(viii) That in event of violation of any terms and condition of the agreement for the maintenance of the said building and the premises the matter will be referred to Commissioner, Municipal Corporation, decision of Commissioner shall be binding.

xxxx

(x) That all disputes and differences arising out of this agreement shall be referred to the Commissioner.”

The Commissioner, Municipal Corporation, is the officer of the agency, which granted the contract. In the absence of any specific

agreement for resolution of disputes through arbitration, the court committed an error in referring the dispute to arbitration. A dispute can be referred to the Arbitrator only if there is a specific agreement between the parties in this regard.

Keeping in view the aforesaid facts, the order under challenge is set aside. The trial court is directed to restore the suit and proceed with the case. The parties through their counsel are directed to appear before the trial court on 23.05.2022.

Revision petition stands allowed.

All the pending miscellaneous applications, if any, are also disposed of.

09.05.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE