

**201-2 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR-8030-2015 (O&M)

Date of decision: 09.05.2022

Gandhi Nagar Social Welfare Society (Regd.)

....Petitioner

Versus

Municipal Corporation, Rohtak, through Commissioner and another
..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sandeep K Sharma, Advocate for the petitioner

Mr. Sunil Dhanda, Advocate for

Mr. Deepak Manchanda, Advocate for the respondents

ANIL KSHETARPAL, J (Oral)

While assailing the correctness of the order dated 20.10.2015 passed by the Civil Judge (Senior Division), Rohtak, the plaintiff has filed the present revision petition. The court ,after finding that there is a contract between the parties, which contains a clause to get their dispute resolved through arbitration, allowed the application under Section 8 of the Arbitration and Conciliation Act, 1996. The relevant clause in the admitted agreement between the parties reads as under:-

“xii) In case of violation of any term and conditions of the agreement, the matter will be referred to sole jurisdiction of the Arbitrator.”

Learned counsel representing the petitioner contends that the Commissioner of the Municipal Corporation cannot be appointed as an arbitrator in view of the amendment No.3 of 2016 in the Arbitration and Conciliation Act, 1996. In the considered view of the Court, such objection can be only taken as an objection under Section 11(6) of the

Arbitration and Conciliation Act, 1996. By the impugned order, the court has only relegated the parties to the arbitration. Hence, no ground to interfere is made out.

Dismissed.

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