

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

214

CR-2523-2021

Date of Order: 14.02.2022

BHARAT SANCHAR NIGAM LIMITED AND ANOTHER

..Petitioners

Versus

RANJIT KAUR

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rajesh Gupta, Advocate
for the petitioners.

ANIL KSHETARPAL, J(Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The defendant-Bharat Sanchar Nigam Limited assails the correctness of order dated 06.08.2021, while dismissing petitioner's application under Section 8 of the Arbitration and Conciliation Act, 1996.

The learned counsel representing the petitioner contends that lease agreement dated 15.03.2017, was very much part of the record of the trial Court, however, the Court wrongly observed that no such lease of agreement was brought on the record. He further submits that the rent protection law is not applicable to the property in dispute as it is situated in a village.

As per the office report, despite service, the respondent remains unrepresented.

Since, the learned counsel representing the petitioner contends that the aforesaid agreement is very much part of the record and the same has also been produced before this Court, therefore, the order under challenge is set aside.

The trial Court is requested to redecide the application under Section 8 of the Arbitration and Conciliation Act, 1996, after examining the contents of the lease agreement dated 15.03.2017. The petitioner shall be at liberty to produce another copy of the lease agreement before the trial Court.

The trial Court is also expected to examine recent judgment passed passed by the larger Bench of the Hon'ble Supreme Court in “*Vidya Drolia vs. Durga Trading Corporation*”, *Civil Appeal No.2402 of 2019*, *decided on 14.12.2020*, before passing fresh order.

With these observations, the present petition is disposed of.

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

February 14th, 2022

Ay

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No