

2023:PHHC:112163

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

CR-886-2022 (O&M)

Date of decision: 25.08.2023

Ravinder Kaur

..Petitioner

Versus

M/s GTL Infrastructure Ltd. and another

.Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Gulzar Mohammed, Advocate for the petitioner

Mr. Sumeet Jain, Advocate for the respondents

ANIL KSHETARPAL, J (Oral)

1. The Rent Controller vide order dated 26.11.2021 has referred the parties to the Arbitrator for deciding the application filed under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as '1949 Act'). This revision petition has been filed by the landlord to challenge its correctness. As per the provisions of the 1949 Act, the court of Rent Controller has the exclusive jurisdiction to order eviction of a tenant on the ground specified in the Act. Such dispute does not fall within the scope of the jurisdiction of the Arbitrator in view of the judgment passed by the larger Bench in **Vidya Drolia and others vs. Durga Trading Corporation (2021) 2 SCC 1** and **Booz Allen & Hamilton Inc. vs. SBI Home Finance Limited (2011) 5 SCC 532**.

2. In view of the aforesaid discussion, the impugned order is clearly erroneous and therefore, set aside. The Rent Controller is requested to proceed with the petition under Section 13 of the 1949 Act.

The parties through their counsels are directed to appear before the Rent Controller on 22.09.2023.

- 3. The revision petition stands allowed.
- 4. All the pending miscellaneous applications, if any, are also disposed of.

25.08.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE