

2023:PHHC:081797

FAO-2924-2023 (O&M)

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

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FAO-2924-2023 (O&M)
Date of Decision:-08.06.2023

M/s U.K. Caterers

.....Petitioner

Versus

Rajinder Gymkhana & Mahendra Club ltd. & Another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

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

Ms. Kanica Sachdeva, Asst. A.G., Punjab.

ALOK JAIN, J. (Oral)

1. The present appeal arises against the order dated 22.05.2023, passed by Additional District Judge, Patiala, whereby the petition under Section 9 of Arbitration and Conciliation Act, has been dismissed.

2. Learned counsel for the petitioner submits that the petitioner entered into a lease agreement with the respondent-Club for a period of 2 years on 02.09.2022, however, on 03.01.2023, the petitioner was served with a vacation notice, on the ground that many complaints regarding poor quality of food served by the petitioner, has been received from its members. Accordingly, 30 days notice was given. The petitioner duly replied to the said notice and relied upon the clause of appointment and referring the matter to the Arbitrator, if any dispute arises and subsequently,

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approached the Court by filing the petition under Section 9 of the Arbitration and Conciliation Act, wherein on 31.03.2023, the petitioner was granted interim. Learned counsel for the petitioner has taken this Court to Clause 22 which reads as under:

“In case, of any dispute the management the club appoint arbitrator or committee to give the decision and the decision of the arbitrator or committee will be binding on the lessess. The entire dispute will settle in the Patiala jurisdiction only”.

3. A perusal of the above clause clearly empowers the Club to appoint an Arbitrator or a Committee to give the decision, which shall be binding on the lessee.

4. Learned counsel for the petitioner has argued that although the Committee has been formulated, but the members of the Committee are none other than the Club officials, however, the petitioner could not deny the fact, that the petitioner has already submitted himself to the said committee and has already filed his claim and led evidence.

5. No other issue or point has been raised by the appellant.

6. After hearing learned counsel for the petitioner at length and the fact, that the petitioner has already submitted himself to the jurisdiction of the Committee, and has proceeded to lodge his claim and lead evidence, whereby the petitioner is well within his rights to seek appropriate orders and raise his defence as available to him under law.

7. Accordingly, I do not find any merit in the present petition, the same is dismissed.

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8. Pending miscellaneous application(s), if any, stands disposed of.

(ALOK JAIN)
JUDGE

June 08, 2023.
Parul

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No