

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

FAO No. 3695 of 2022 (O&M)
Date of decision: 17th May, 2023

M/s Swastik Tent Services and another
Petitioners

Versus

M/s Haridhan Orchard County and others
Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vipin Pal Yadav, Advocate for the petitioners.
Mr. Puneet Jindal, Senior Advocate with
Mr. Tajinder Singh, Advocate for the respondents.

AVNEESH JHINGAN, J (Oral):

1. The instant appeal under Section 37 of the Arbitration and Conciliation Act, 1996 (for short, 'the Act') is filed aggrieved of dismissal of application under Sections 8 of the Act.
2. The brief facts are that the parties entered into a lease agreement on 25.3.2018. The respondents filed a civil suit for possession of the premises in dispute. The petitioners moved an application under Section 8 of the Act for referring the matter for arbitration. The application was rejected, hence the present petition.
3. Learned counsel for the parties are *ad idem* that with the decision of the Constitution Bench in ***M/s N. N. Global Mercantile Private Ltd. v. M/s Indo Unique Flame Ltd. and others, 2023 SCC Online SC 495***, the legal position has changed.

4. In view of the above, the impugned order is set aside. The matter is remitted back to the civil court at Kharar to decide the application under Section 8 of the Act afresh after providing opportunities to the parties.
5. The appeal is disposed of.

[AVNEESH JHINGAN]

JUDGE

17th May, 2023
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1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No