



CR-4923-2017(O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-4923-2017(O&M)

Date of Decision :-07.11.2024

Roots Corporation Ltd

.....Petitioner

Versus

Aerens Gold Souk International Ltd. and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr.Akshay Bhan, Senior Advocate with
Mr.Nikhil Y. Chawla, Advocate and
Mr.Amandeep Singh, Advocate
for the petitioner.

None for respondent No.1.

Mr.J.S. Bhatia, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Article 227 of the Constitution of India for setting aside order dated 30.04.2017, Annexure P21 passed by learned Civil Judge (Sr.Divn.), Ludhiana whereby an application filed by respondent No.2 under Section 8 of the Arbitration and Conciliation Act, 1996 (for short “the Arbitration Act”) has been accepted.

2. On 27.03.2019, this Court passed the following order:

“Learned counsel for the petitioner submits that in fact out of the three issues arising in this petition, two of them have been decided by the Delhi High Court, which order is

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subject matter of challenge before the Supreme Court.

Learned counsel for the parties are ad idem that since the issue of whether the dispute between the parties should be referred to an Arbitrator or not is pending before the Supreme Court, (though arising out of an order passed by the Delhi High Court in a connected matter), this petition may be adjourned sine die, with liberty to either of the parties to move an appropriate application for hearing after the decision of the Supreme Court.

Ordered accordingly.”

3.
- In all fairness, learned Senior counsel for the petitioner submits that challenge to the order passed by the High Court at Delhi has been rejected by the Hon’ble Supreme Court in SLP (C) No.5070-2019 vide order dated 28.07.2023 and a review petition filed by the petitioner has also been dismissed. He further submits that pursuant to the impugned order, petitioner will now have to invoke the provisions of Section 11 of the Arbitration Act, seeking appointment of an arbitrator.
4.
- Accordingly, revision petition is disposed of. Petitioner is at liberty to avail the remedy available to it in accordance with law. It will be open to the parties to take all the pleas before the appropriate forum.
5.
- Pending applications, if any, are also stand disposed of.

07.11.2024

Brij

Whether reasoned/speaking

Whether reportable

(SUVIR SEHGAL)

JUDGE

: Yes/No

: Yes/No