

ITEM NO.18

COURT NO.13

SECTION IV-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 28034/2017

[Arising out of impugned final judgment and order dated 18-08-2017 in CR No. 2626/2017 passed by the High Court of Punjab & Haryana at Chandigarh]

M/S AIR SHAGOON (NETWORK) PVT LTD

Petitioner(s)

VERSUS

ABW INFRASTRUCTURE LTD & ORS.

Respondent(s)

IA No. 117815/2024 - AMENDMENT OF APPEAL / PETITION / I.A.)

Date : 07-01-2025 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SUDHANSHU DHULIA
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Mr. Vikas Mehta, AOR
Mr. Ankit Vashisht, Adv.

For Respondent(s) Mr. Ashok Mathur, AOR

UPON hearing the counsel the Court made the following
O R D E R

In a suit filed by the petitioner against the tenant for eviction and mesne profit, an application under Section 8 was filed stating that there is a contract between the parties, which is the arbitration clause and since the tenancy was not statutorily protected, the said application was allowed and the parties are referred for arbitration.

Initially, the application was dismissed but it was finally allowed by the High Court vide its order dated 18.08.2017.

Being aggrieved by the same, the landlord has filed the present petition before this Court.

As per the merits of the case is concerned, we see no reason to interfere with the High Court's order. **Since, the tenancy was not protected and the application under Section 8 was maintainable and the case is not covered under the *Booz Allen and Hamilton Inc. Vs. SBI Home Finance Ltd. And Ors.* [(2011) 5 SCC 532] judgment.**

Having made this determination, however, we are informed at the Bar that subsequently a petition has been filed and is presently pending before the National Company Law Tribunal (NCLT). The petitioner has already moved an appropriate application before concerned Court and the same shall be considered in accordance with law.

The Special Leave Petition stands disposed of with the above terms.

Pending application(s), if any, shall stand disposed of.

(VARSHA MENDIRATTA)
COURT MASTER (SH)

(RENU BALA GAMBHIR)
ASSISTANT REGISTRAR