

THE HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.9727 of 2015

ORDER:

Heard learned counsel for the petitioner and the standing counsel.

Petitioner assails the termination notice No. VSP/P&AC/HR/1401/50/721 dated 01.04.2015 through which the contract dated 01.12.2014 with petitioner for running and maintenance of VSP canteens is terminated.

Learned counsel for the petitioner assailed the impugned termination notice on several factual and legal grounds. One of the submissions of learned counsel for the petitioner is that the reason for issuing the termination notice is the alleged experience certificate stated to have been furnished by the petitioner, which on discrete information/enquiry found to be an incorrect experience certificate. It is stated that the petitioner has given detailed reply contending that the said certificate was never issued by him and he issued some other certificate in proof of his experience. Without conducting any enquiry, the termination notice dated 01.04.2015 is issued and it is contrary to the clauses of contract and violative of principles of natural justice.

Sri V.Ravinder Rao takes preliminary objection on the maintainability of writ petition and contends that it is a case of pure and simple termination of contract between the parties. The contract is a non-statutory contract and that the requirement of principles of natural justice cannot be read into these singular circumstances. Further, whether the termination is tenable, legal or valid can certainly be a matter for consideration in a properly instituted proceeding under the arbitration clause.

The existence of arbitration clause in the contract dated 01.12.2014 is not in dispute. The legality of termination simplicitor of contract dated 01.12.2014 cannot be canvassed in a petition under Article 226 of the Constitution of India more particularly, with an agreed clause for resolution of disputes between the parties.

The writ petition is dismissed as not maintainable in view of availability of arbitration clause for resolution of disputes between the parties. This Court is not expressing any view on the merits of the matter. The petitioner is given liberty to pursue the legal remedies available against the impugned termination and it is for such forum to

consider all the objections.

The writ petition is dismissed with the above observation. No order as to costs.

Miscellaneous petitions, if any, pending in the writ petition shall stand closed.

S.V. BHATT, J

Date: 08.04.2015

KLP