

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

CWP No. 13831 of 2015

DATE OF DECISION : 14.07.2015

M.M. Thathai and others

.... PETITIONERS

Versus

Central Bureau of Investigation and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. P.S. Khurana, Advocate,
for the petitioners.

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SATISH KUMAR MITTAL, J.

The petitioners are retired employees of the Punjab State Warehousing Corporation (hereinafter referred to as 'the Corporation'). They have filed this petition as a Public Interest Litigation (PIL) seeking direction to respondents No.1 to 3 to investigate/enquire into the financial irregularities alleged to have been committed by respondent No.5, Chief Manager of the Corporation, in connivance with the other officials of the Corporation, pertaining to exporting of food grains under a policy framed by the Corporation in the year 2002. The tender to facilitate the export of food grains by entering into negotiations with the International buyers, was given to M/s LMJ International Limited (respondent No.6). In September, 2002, one Memorandum of Understanding was executed. Later on, some

dispute with regard to the said agreement arose between the Corporation and respondent No.6 Company, which led to initiation of the arbitration proceedings between the parties to the agreement. In those proceedings, which went up to the Supreme Court, a retired Judge of the Supreme Court was appointed as Arbitrator. The said Arbitrator, on the basis of a written compromise between the parties to the agreement, terminated the arbitration proceedings. Thereafter, the Corporation appointed a retired Additional District and Sessions Judge as Arbitrator for conducting the arbitration proceedings relating to the dispute between the Corporation and respondent No.6 Company. The said Arbitrator passed the Award dated 06.03.2009, which was challenged by the Corporation before the Additional District Judge, Chandigarh. The said Arbitration case was dismissed being not maintainable on the ground of lack of territorial jurisdiction. Against the said order, the Corporation has filed FAO No. 4385 of 2013, which is pending in this court.

After hearing learned counsel for the petitioners, we are of the opinion that the petitioners, after their retirement, have filed this petition with an oblique motive, alleging that respondent No.5 in connivance with respondent No.6 Company and other officials of the Corporation has committed fraud on the public exchequer by using the fora of judicial system, therefore, an enquiry should be conducted. They did not raise this issue at the relevant time, when the arbitration proceedings were initiated. In

our view, once the matter is sub judice before this Court in FAO No. 4385 of 2013, arising from the same transaction, at this belated stage, this writ petition cannot be entertained and no direction can be issued to investigate the matter, as it will cause prejudice to the result of the FAO pending in this court. Thus, we are not inclined to entertain this petition.

No merit. Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

July 14, 2015
ndj

(HARINDER SINGH SIDHU)
JUDGE