

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Letters Patent Appeal No.2015 of 2014(O&M)
Date of Decision: January 19, 2015

Dr.Jashanjot SinghAppellant
versus
State of Punjab and othersRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE RAJ MOHAN SINGH.

Present:Mr.Sanjeev Manrai, Senior Advocate with
Mr.Prantap Sharma, Advocate,for the appellant.

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1. *Whether Reporters of Local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Surya Kant, J. (Oral)

The order dated 10.09.2014 whereby the learned Single Judge has relegated the appellant to the remedy of arbitration proceedings in terms of the clause contained in the prospectus-cum-brochure for adjudication of the dispute regarding refund of admission fee, is under challenge in this letters patent appeal.

The appellant got admission in the Post Graduate Programme in Management in the Academic Sessions 2012-13 offered by respondent No.3-Institute at its campus at Mohali, namely, respondent No.2. The admission was taken on 06.03.2012 and fee was paid on 17.03.2012. The appellant meanwhile got admission somewhere else as per his choice and consequently sought refund of the fee of Rs.2,20,600/- on 02.04.2012. Respondent No.3 contested the appellant's claim and besides maintaining that the fee was non-refundable,

further claimed that the dispute, if any, was referable to an Arbitrator in terms of the clause contained in the prospectus-cum-brochure. The application moved by respondent Nos.2 & 3 for referring the matter to the Arbitrator, has been allowed by learned Single Judge vide the impugned order declaring the writ proceedings as abated.

We have heard learned counsel for the appellant at some considerable length and gone through the record.

In our considered view, the appellant's contention that no financial loss has been suffered by respondent Nos.2 & 3 as a result of withdrawal of his admission, for the seat was later on utilized, is essentially a question of fact for which he can lead evidence before the Arbitrator. Similarly, the respondents' plea that the fee is non-refundable, can also be effectively adjudicated in the arbitration proceedings. We, thus, do not find any ground to interfere with the order passed by learned Single Judge.

Dismissed.

[SURYA KANT]
JUDGE

January 19, 2015
Mohinder

[RAJ MOHAN SINGH]
JUDGE

CM No.4252 of 2014 in
LPA No.2015 of 2014

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Dr.Jashanjot Singh versus State of Punjab and others

Present : Mr.Sanjeev Manrai, Senior Advocate with
Mr.Prantap Sharma, Advocate,
for the applicant-appellant.

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For the reasons mentioned in the application, the
same is allowed subject to all just exceptions and 4 days' delay
in filing the appeal is condoned.

CM stands disposed of.

(SURYA KANT)
JUDGE

January 19, 2015

Mohinder

(RAJ MOHAN SINGH)
JUDGE