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THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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WRIT PETITION No. 21840 of 2016

ORDER:

The 3rd respondent Telangana State Co-operative Marketing Federation Limited is neither clearing the amount due to the petitioner nor referring the dispute for arbitration, in spite of several representations being made to that effect, is the complaint in this Writ Petition.

The petitioner has been engaged in the business of transportation of goods. Pursuant to the tender notification dated 27.10.2014 issued by the 2nd respondent Joint Collector, Khammam for transportation of maize for the *kharif* season 2014 to 2015 from various PACS in the districts, the petitioner has submitted its tender and has emerged as the successful bidder. *Vide* proceedings of the 3rd respondent dated 29.11.2014, the contract was assigned in favour of the petitioner. As per the terms and conditions of the contract '*any dispute arising out of terms of contract or working thereof shall be referred by either of the parties for arbitration before the Deputy Registrar (Enforcement), TS MARKFED, Hyderabad.*'

According to the petitioner, it carried on transportation of goods from time to time, as directed by the District Office, TS MARKFED, Khammam. In this connection, it is alleged that the 3rd respondent fell in arrears to the petitioner a sum of Rs.10,00,000/- towards transport charges. Though the petitioner submitted several representations to the 3rd respondent to arrange the above payment and got issued a legal notice dated 03.05.2016 to refer the dispute for arbitration, the 3rd respondent is not taking any steps in that direction.

Heard learned counsel on either side.

As is evident from the proceedings of the Telangana State Co-operative Marketing Federation Limited, District Office, Khammam,

dated 29.11.2014, condition No. 11 thereof provides for referring the matter for arbitration, in case any dispute arises between the parties to the contract.

Hence, without going deep into the matter, the petitioner is granted liberty to invoke the '*arbitration clause*' and make a claim petition before the Deputy Registrar (Enforcement), TS MARKFED, who shall examine the grievance of the petitioner and conduct an inquiry, keeping in view the terms and conditions of the contract, and pass appropriate orders as early as possible.

With this, the Writ Petition stands disposed of. No costs.

Consequently, the Miscellaneous Applications, if any shall also stand disposed of.

CHALLA KODANDA RAM, J.

8th July 2016

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