

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

**CWP No.18933 of 2015 and
CWP No.18974 of 2015
Date of Decision:31.08.2016**

M/s Tibba Danasher Construction CompanyPetitioner

Vs.

State of Haryana and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Vivek Khatri, Advocate for the petitioner.

Mr. P.P. Chahar, DAG, Haryana.

RAKESH KUMAR JAIN, J.(Oral)

This order shall dispose of two petitions bearing CWP Nos.18933 of 2015 and CWP No.18974 of 2015 – M/s Tibba Danasher Construction Company v. State of Haryana and others. Though the order is being passed in the lead case bearing CWP No.18933 of 2015.

The petitioner is a contractor. An agreement was entered into between the parties, with special conditions, out of which one of the condition was that in case of any dispute, it would be decided by the Empowered Standing Committee.

Counsel for the petitioner submits that though the petitioner had invoked the Dispute Redressal System by making an application to the respondent but it has not been put to Empowered Standing Committee.

The case of the petitioner would have been considered by the Empowered Standing Committee, in case the petitioner had complied with the other portion of the Dispute Redressal System in which it is provided

that “Any party taking recourse of dispute redressal system will have to deposit 2% of the claim amount in the form of unconditional FDR pledged in favour of the claimant.” It is submitted by counsel for the respondents that if the petitioner deposits 2% of the claim amount in the form of unconditional FDR pledged in favour of the claimant, then his case would be considered by the Empowered Standing Committee.

Counsel for the petitioner prays for withdrawal of the petition in order to submit 2% of the claim amount in the form of unconditional FDR to the concerned authority. In case the petitioner does it within a period of 15 days as has been stated by learned counsel for the petitioner in Court, his case shall be considered by the Empowered Standing Committee in accordance with terms and conditions of the agreement expeditiously as the matter involved in this case is about payment of the dues of the petitioner, who has allegedly done some work for the respondents in terms of the agreement.

With these observations, the present petitions are hereby disposed of.

August 31, 2016
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(RAKESH KUMAR JAIN)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No