

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

CWP NO. 3124 of 2016

Date of decision: 15.03.2016

National Fertilizers Ltd.

.....Petitioner

versus

State of Punjab and others

.....Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Rajiv Atma Ram, Sr. Advocate with
Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. Harsimran Singh Sethi, Addl. AG, Punjab.

Mr. Manvinder Dalal, Advocate
for respondent No. 6.

Mr. Sachin Khapra, Advocate for
Mr. Nitin Kumar, Advocate
for respondent No. 7.

Rakesh Kumar Jain, J.(Oral)

On 19.02.2016, the following order was passed by
this Court:-

Reply on behalf of respondent No. 6 is
filed in Court and a copy of it is given to
counsel for the petitioner. The issue
involved in this case is regarding
transportation of 'Urea' bags by railways
or through road as respondent No. 6 is
claiming that there is a contract with the
petitioner that they would be allotted
20% of the entire consignment of the
Urea bags for transportation by road

whereas the petitioner is consigning more than 80% through railways?

As a matter of fact, the petitioner had approached this Court because of blockade on the railway track and also at the gate where the Nitric acid is transported through tankers.

Shri Ashish Aggarwal, Sr. counsel, after seeking instructions from Sunil Puri, President(respondent No. 6) has made a statement at the bar that the said blockade has now been lifted from the railway track and from the aforesaid outer gate. He has also assured the Court that there would be no blockade in future, till this petition is pending.

Respondent No. 4, Tejinder Singh Sandhu, DSP, Anandpur Sahib, District Roop Nagar, Punjab is also present in Court and made a statement that as per his information, the blockade both from the railway track and the outer gate of the company has been lifted by respondent No. 6.

Since the question of 20% contract is to be decided by this Court, therefore,

Shri Ashish Aggarwal, Sr. counsel has submitted that he would file his own petition.

Adjourned to 25.02.2016.”

Shri Manvinder Dalal, Advocate for respondent No. 6 has submitted that they have filed writ petition bearing CWP No. 3815 of 2016 in which issue involved is that “*as to whether the petitioner therein are entitled to 20% of supply through road transportation*”.

Counsel for the petitioner has submitted that since the blockade has already been lifted by respondent No.6 and the issue about 20% entitlement of respondent No. 6, herein, is going to be decided in the other petition or in the arbitration, therefore, this petition may be disposed of as infructuous.

In view of the above, the present petition is hereby disposed by making the interim order absolute that the respondent shall not put any blockade on the railway track as well as on the outer gate of the company in respect of the issue involved of entitlement of 20% of supply through road transportation.

15th March, 2016

Shivani Kaushik

**[Rakesh Kumar Jain]
Judge**