

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.25881 of 2017

Date of Decision: November 13, 2017

BMS Enterprises, Pathankot

. . . . Petitioner

Vs.

State of Punjab and others

. . . . Respondents

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

Present: Mr.M.K. Dogra, Advocate, for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is filed for quashing the order dated 8.11.2017 by which respondent No.2 has raised the demand of ₹43,95,118/- from the petitioner for the work executed by them for the period of 1.7.2016 to 31.12.2016.

Learned counsel for the petitioner has submitted that during that period, the Government had taken over the work and did not allow the petitioner to execute the same. The petitioner had approached the respondents and was assured that it would be given another six months to execute the work but in spite of that they have asked the petitioner to pay the aforesaid amount on the ground that the respondents had to execute the said work and the petitioner is liable to pay the same.

During the course of hearing, it is admitted by counsel for the petitioner that there is an arbitration clause in the contract whereby all disputes have to be referred to the Arbitrator in terms of the provisions of the Arbitration and Conciliation Act, 1996. Accordingly, the petitioner may, if so advised, avail his remedy of arbitration.

With these observations, the present petition is hereby disposed of.

NOVEMBER 13, 2017

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No