

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

CWP No.836 of 2017

Date of Decision.19.01.2017

M/s Ess Kay Fertilizers Agency

.....Petitioner

Vs

Union of India and others

.....Respondents

Present: Mr. Gautam Pathania, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

The petitioner is seeking indulgence of this Court for issuance of direction to the respondent for implementing the policy indicated in the prayer clause on the premise that the petitioner had been awarded work i.e. work order for H&T at Nabha on 28.06.2016 vide letter dated 15.09.2016.

The contention of the petitioner is that the policy postulates providing of the infrastructure/facilities which are wanting. It is strange that the petitioner who had participated in the tender and allotted with work, was aware of this fact. Having been aware of the aforementioned fact, the remedy does not lie for implementation of the policy in the present writ petition but lies elsewhere in terms of damages under Section 9 of the Code of Civil Procedure, as the dispute perhaps involves question of law which could only be adjudicated upon in Civil Court and not under Article 226 of the Constitution.

With aforementioned observations, the writ petition stands disposed of.

(AMIT RAWAL)
JUDGE

January 19, 2017

Pankaj*

Whether reasoned/speaking Yes

Whether reportable No