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

**CWP-COM No.230 of 2017 (O&M)
Date of Decision : 14.07.2017**

M/s Sukhdev Singh and Co.,

..... Petitioner

Versus

Food Corporation of India and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Pawan Kumar, Senior Advocate with
Mr. Vipin Kumar, Advocate
for the petitioner.

AJAY TEWARI, J. (Oral)

By this petition the petitioner has raised a dispute regarding labour contract at Rail Head, Dhuri. It is stated that the contract was worth more than Rs.3 crores. The claim is that the petitioner had been permitted to deposit 50% of the security amounting to Rs.9,76,100/- and bank guarantee of Rs.39,04,400/- after the initial period of 15 days along with penalty by the respondent No.4 but later on the contract was cancelled. It is on these grounds that the petition has been filed under the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 (for short the 'Act').

The Act deals with the constitution of special adjudicatory authorities for deciding commercial disputes of specified value and above.

Section 11 of the Act bars Commercial Courts and Commercial Divisions from maintaining any suit, application or proceedings in respect of which jurisdiction of the Civil Court is either expressly or impliedly barred. It is thus clear that the Commercial Courts and Commercial Divisions have been envisaged as a substitute for the Civil Court, the intention being to provide for expeditious decision of the specified disputes.

Section 12 of the Act lays down inter-alia that the specified value would be based on the relief sought.

In the present case though the value of the total contract may have been higher than Rs.3 crores but the petitioner has not specified the value of the relief sought.

In the circumstances, learned senior counsel prays for permission to withdraw this petition with liberty to file a fresh petition as a tender matter.

Allowed as prayed for.

Dismissed as withdrawn with the aforesaid liberty.

Since the main case has been decided, the pending Civil Misc. Application, if any, also stands disposed of.

14.07.2017
Pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No