

*CWP-17212-2012 (O&M) &
other connected cases*

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(1.)**

CWP-17212-2012 (O&M)
Date of Decision:-30.11.2018.

Haryana State Warehousing Corporation

.....Petitioner

Versus

Union of India and others

.....Respondents

(2.)

CWP-23276-2013 (O&M)

Punjab State Warehousing Corporation

.....Petitioner

Versus

Union of India and others

.....Respondents

(3.)

CWP-20120-2014 (O&M)

Haryana State Cooperative Supply and Marketing Federation Limited

.....Petitioner

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Kanwaljit Singh, Senior Advocate with
Mr. Ashwani Talwar, Advocate and
Mr. Ashish Soi, Advocate for the petitioner in
CWP-17212-2012.

Mr. Girish Agnihotri, Senior Advocate with
Ms. Roja Agnihotri, Advocate and
Mr. Kshitij Sharma, Advocate for the petitioner in

CWP-23276-2013 and CWP-20120-2014.

Mr. Vinod Kumar Kaushal, Advocate for
respondent No.1-UOI.

Mr. O.P. Goyal, Senior Advocate with
Mr. K.K. Gupta, Advocate,
Mr. Piyush Aggarwal, Advocate and
Ms. Mamtaz, Advocate for respondent Nos.2 and 3.

ARUN MONGA, J. (Oral)

By this common order, the above mentioned 3 CWPs are being disposed of as the point in issue involved in all these petitions is identical.

2.) Learned Senior counsel appearing for respondent Nos.2 and 3 points out that vide Annexure R-2/1 dated 22.5.2018 which is office memorandum issued by Government of India in respect of settlement of Commercial Disputes between Central Public Enterprises (CPSEs) inter se and also between CPSEs and Government Departments/Organizations. All such disputes inter se are to be referred to Administrative Mechanism for Resolution of CPSEs Disputes (AMRCD). Learned Senior counsel contends that in view of Clauses 4, 5 and 6 thereof wherein it has been clearly stated that at the first level such commercial dispute shall be referred to committee comprising of Secretaries of Administrative Ministries followed by referring the same to the second tier constituted by the Cabinet Secretary, in the event of dispute remains unresolved by the first tier.

3.) In view thereof, after hearing the rival contentions of both sides, I am of the view that in view of Circular dated 22.05.2018 Annexure R-2/1, the petitioners ought to have pursued their remedy according to the mechanism provided.

direction to the Committee Secretaries of Administrative Ministries, constituted/to be constituted as per office Memo dated 22.05.2018 (R-2/1), to pass a speaking order on merits adjudicating the disputes between the parties herein. It is made clear that all the rival contentions of the respective parties are kept open to be raised before the first tier Committee of Secretaries. The said Committee of Secretaries is directed to pass a speaking order after taking into consideration the rival contentions within the time frame as prescribed in the Circular dated 22.05.2018 Annexure R-2/1.

(ARUN MONGA)
JUDGE

November 30, 2018.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.