

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

CWP No. 11497 of 2018

Date of Decision:-10.05.2018

St. Soldier Education Society (Regd.)

...Petitioner

Versus

State of Punjab and others

...Respondents

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

Present:- Mr. Sameer Sachdeva, Advocate
for the petitioner.

RAKESH KUMAR JAIN J.(Oral)

The petitioner is a society imparting education, entered into an agreement with the State of Punjab for development and running ITI Institute at Shahkot. As a concessioner, the petitioner has to pay concession fee and the revenue sharing every year besides giving performance guarantee for every five years.

The case of the respondents is that the petitioner is in arrear of Rs.8,71,986/- calculated from the year 2014 onwards, after a little increase, in the concession fee.

Vide notice dated 11.4.2018, the petitioner was directed either to pay the amount of Rs.8,71,986/-, which includes the concession fee and interest otherwise the concession agreement would be cancelled and

appropriate action would be taken.

Aggrieved against the said decision and notice dated 11.4.2018, the present petition has been filed. During the course of hearing, learned counsel for the petitioner has submitted that on 12.4.2018, the petitioner had filed the reply to the notice followed by another letter dated 19.4.2018, which are not decided in one way or the other and the petitioner is afraid that without taking into consideration their aforesaid reply, the respondents may use coercive methods against the petitioner to the detriment of their interest.

Notice of motion.

On asking of Court, Mr. H.S. Sitta, DAG, Punjab, accepts notice on behalf of respondents.

Learned State counsel has submitted that the reply to the notice given by the petitioner shall be decided one way or the other as directed by this Court and thereafter action would be taken, if need be.

In view of the aforesaid, the present petition is hereby disposed of with a direction to the respondents herein to decide as to whether the respondents have to proceed in terms of the notice dated 11.4.2018 but it would be only after considering the reply filed by the petitioner on 12.4.2018 (Annexure P-10) and dated 19.4.2018 (Annexure P11).

The needful shall be done by the respondents within a period of one week i.e. on or before 21.5.2018 but till then the respondents shall not take any coercive steps against the petitioner. It is needless to mention here that while taking decision on the notice to which reply has been filed, the

respondents shall provide an opportunity of hearing to the petitioner.

Copy dasti.

May 10, 2018
Vijay Asija

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No