

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

CWP No.26104 of 2017 (O&M)

Date of decision: 07.08.2018

Balwinder Singh

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Anurag Chopra, Advocate for the petitioner(s).

Ms. Harsimrat Rai, DAG, Punjab.

Mr. Siddhant Chattopadhyaya, Advocate
for respondent Nos.2 & 4.

Jitendra Chauhan, J. (Oral)

CM-2290-CWP-2018

Allowed as prayed for, subject to all just exceptions.

CM-2531-CWP-2018

Learned counsel for the non-applicant/petitioner states that
he has no objection in case the present application is allowed.

Heard.

In view of the above, the instant CM is allowed, subject to
all just exceptions. Applicant Jaswant Singh son of Dhian Singh as
mentioned in headnote of the application is ordered to be impleaded as
respondent No.5. Amended memo of parties appended with the
application is taken on record.

At this stage, Mr. Jastej Singh, Advocate, appears and

accepts notice on behalf of the added respondent No.5.

Short reply filed on behalf of respondent No.5 is taken on record.

Main Case

The petitioner and newly added respondent No.5 are claiming the payment on account of the work performed by them for the year 2016-17.

During the course of arguments, it is asserted by learned counsel for the petitioner that he has performed part of the work assigned by the order of Managing Director-cum-Appellate Authority, PUNGRAIN-respondent No.4, whereas, learned counsel for respondent No.5 states that the entire work had been performed by him. In fact, the petitioner had been blacklisted on 23.04.2016 and the order of blacklisting was stayed on 07.04.2017 (Annexure P-2).

Learned counsel for respondent Nos.2 & 4 states that the petitioner has performed the part of the work allotted to him during 2016-17.

Heard.

As the matter involves the claims and the counter claims and the appreciation of the factual aspect of the matter cannot be determined in the writ petition, therefore, it will be in the fitness of things that the matter is relegated to the Arbitrator. The parties shall lay their claims before the Arbitrator. Respondent No.4 is directed to appoint the Arbitrator with the consent of the parties as per the policy of the PUNGRAIN. Considering the fact that the transactions pertain to the year

2016-17, the Arbitrator is requested to expedite the arbitration proceedings and conclude the same expeditiously.

The parties are directed to appear before the Managing Director, PUNGRAIN on 04.09.2018 who will further notify the date to the parties after appointing the Arbitrator.

Disposed of.

07.08.2018
sumit.k

(JITENDRA CHAUHAN)
JUDGE

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