

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.28867 of 2017 (O&M)

Date of Decision:08.10.2018

Controller of Stores, Eastern Railway

. Petitioner

Vs.

M/s Shanker Cable Industries and others

. Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.G.S. Bal, Sr. Advocate, with
Mr.ADS Bal, Advocate, and
Ms.Gursimran Kaur, Advocate,
for the petitioner.

Mr.Gaurav Chopra, Advocate
for respondent No.1.

Mr.Saurabh Mohunta, DAG, Haryana.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is filed by the Controller of Stores, Eastern Railway for seeking a writ in the nature of certiorari for quashing the order dated 16.8.2017 by which respondent No.2 has referred the matter for arbitration.

This matter pertains to the claim of interest by respondent No.1 on the delay in payment made by the petitioner.

Learned counsel for the petitioner has submitted that since there is a contract between the parties, therefore, respondent No.1 is bound by the terms and conditions of the contract but in view of the decision rendered by this Court in **CWP No.24753 of 2015** titled as

“General Manager, North Central Railway and another Vs. M/s Rational Business Corporation Pvt. Ltd. and others” decided on

28.11.2015, the present petition does not survive as neither Clause 2300 nor Clause 2900 of the Contract between the parties would apply.

In view of the above, the present petition is hereby dismissed.

08.10.2018

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**

Whether speaking /reasoned : *Yes/No*

Whether Reportable : *Yes/No*