

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

CWP-3458-2017 (O&M)
Date of decision : 04.09.2018

M/s Shyamji Transport Company

...Petitioner(s)

Versus

Food Corporation of India and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Robin Dutt, Advocate for the petitioner.

Mr. J.S. Puri, Advocate for the respondents.

JITENDRA CHAUHAN, J. (Oral)

Learned counsel contends that payment towards several bills along with the amount of security tendered by the petitioner in pursuance of agreement (Annexure P-1) has not been remitted to the petitioner. For the redressal of his grouse, the petitioner earlier approached this Court by way of filing writ petition No.16655 of 2016, which was disposed of by this Court on 17.08.2016 by observing thus:-

“4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.1 to take a decision on the letter dated 20.3.2014 (Annexure P-12) and the representations dated 5.9.2014 and 6.6.2016 (Annexure P-13 Colly), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of three months from the date of receipt of certified copy

of the order. It is further directed that in case the petitioner is found entitled to the amount of interest, the same be released to it within next one month, in accordance with law.”

Learned counsel for the respondents states that the Corporation will refund the security amount as and when 'No Dues Certificate' is issued by the petitioner, whereas, learned counsel for the petitioner states that such an exercise would curtail its right to raise demand qua the pending bills.

Heard.

Considering the fact that the lis between the parties touches the contract, this Court feels that once the petitioner had approached this Court, the respondent-Corporation, in all fairness, ought to have referred the matter to the Dispute/Grievance Redressal Committee, Noida.

Be that as it may, without commenting on the merits of the case, the instant petition is disposed of by relegating the petitioner to approach the Dispute/Grievance Redressal Committee, Noida. Considering the fact that the payment pertains to the work executed prior to 6.08.2015, the Committee is directed to consider and decide the claim of the petitioner expeditiously, preferably, within a period of twelve weeks from the date of laying the claim by the petitioner.

04.09.2018
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No