

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-4093-2018 (O&M)

Date of decision:- 21.02.2018

M/s Shri Krishna Builders

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, CHIEF JUSTICE
HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present:- Mr. B.S. Rana, Senior Advocate,
with Mr. Gagandeep Rana, Advocate,
for the petitioner.

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S.J. VAZIFDAR, C.J. (ORAL)

Prima-facie, there appear to be disputes arising under the contract between the parties. The disputes, inter alia, are as to whether the respondents rightly terminated the contract or not and if so whether the respondents are liable to pay any amounts to the petitioner by way of refund and/or damages/compensation. There is an arbitration agreement between the parties. The apprehension that the respondents' officer is to be appointed as an arbitrator is not well founded. In view of the amendment to the Arbitration and Conciliation Act, 1996, an independent arbitrator would in all probability be appointed.

2. The petition is, therefore, disposed of by relegating the petitioner to the alternate remedy of a suit or arbitration. To leave no room for grievance, we also provide that in the event of the proceedings being held not to be maintainable for any reason and the disputes not being resolved on merits, the petitioner is at liberty to file a fresh petition or to have this petition revived.

(S.J. VAZIFDAR)
CHIEF JUSTICE

(AVNEESH JHINGAN)
JUDGE

21.02.2018

Amodh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No