

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

CWP-10324-2019 (O&M)

Date of decision:- 22.04.2019

M/s Jagtar Singh Sadhu Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present:- Mr. Aalok Jagga, Advocate,
for the petitioner.

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ARUN PALLI, J. (ORAL)

Notice of motion, at this stage, only to respondents No. 1 to 3.

Mr. Avineet Avasthi, learned Assistant Advocate General, Punjab, who is present in Court, accepts notice on behalf of respondents No. 1 to 3.

Copies furnished.

In the nature of the order we propose to pass, no formal written statements/counter affidavits of the respondent-authorities are indeed necessary, at this stage. Thus, with the consent of learned counsel for the parties, the petition is being disposed of finally.

A certiorari is prayed for to quash the order dated 12.03.2019 passed by respondent No. 3, whereby the technical bid of the petitioner for transportation of food grains for the year 2019-2020 has since been rejected on the ground that the son of the proprietor of the petitioner concern was once a defaulter and owed certain dues to respondent No. 4. However, learned counsel for the petitioner vehemently contends that in the arbitral proceedings between the parties, nothing was found due against the son of the proprietor of the

petitioner concern, and rather the authorities have preferred objections against the arbitral award, under Section 34 of the Arbitration and Conciliation Act, 1996.

2. In response, learned State counsel submits that in terms of clause 14 of the Policy for Transportation of Food Grains (Year 2019-2020), against any order passed by the District Tender Committee, the remedy of appeal is provided before the competent authority i.e. Director, Department of Food, Civil Supplies and Consumer Affairs, Punjab and, therefore, as the petitioner has an efficacious alternate remedy, it ought to have availed the same before instituting the petition at hand.

3. Having argued the matter at some length, learned counsel for the parties have reached a consensus that let this petition be disposed of, at this stage, by relegating the petitioner to prefer an appeal in terms of clause 14 of the policy which shall be decided within a time indicated by this Court.

4. In the wake of the above, we dispose of this petition so as to enable the petitioner to file an appeal against the order dated 12.03.2019. And in the event any such appeal is filed within two days from today, the same shall be decided by the competent authority within next five days of its institution. Needless to assert that a comprehensive order shall be passed assigning reasons in support thereof, after affording an opportunity of hearing to all the stakeholders.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

22.04.2019
Amodh

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