

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-16527-2012

Date of Decision: May 29, 2019

M/s Kapoor Telecom

... Petitioner

vs.

Bharat Sanchar Nigam Ltd. and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : None for the petitioners.

Mr. Anil Rathee, Advocate, for the respondents.

ARUN MONGA, J.(ORAL)

The petition was called up for hearing on 25.09.2017 when none appeared for the petitioner, in the interest of justice, it was adjourned for 22.01.2018. On the adjourned date i.e. 22.01.2018, once again, none appeared for the petitioner and the case was adjourned for 25.07.2018. But since the turn of the case did not come on 25.07.2018, it was adjourned to 12.02.2019. Yet again when the petition was called out for hearing on 12.02.2019, none appeared for the petitioner. Same is the position even today.

Even otherwise, having heard the argument of learned counsel for the respondents, I am of the view that the order dated 11.07.2012 (Annexure P-4) impugned herein pertains to a contractual dispute between the parties and arising therefrom the franchisee-ship of the petitioner was cancelled.

Being a matter of commercial contract, the petitioner is at liberty to challenge the impugned order as per Clause 30 of the Franchisee-ship Agreement wherein the arbitration proceedings are envisaged in case the parties cannot settle their dispute amicably prior to institution of the arbitration.

In case, the petitioner chooses to impugn the cancellation of the Franchisee-ship Agreement, the period taken for pendency of the writ petition before this Court shall not be counted towards limitation.

The writ petition is disposed of in above terms.

May 29, 2019
smriti

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No