

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

**LPA No.1623 of 2019 (O&M)
Date of Decision: October 29, 2019**

M/s Shree Sai Facilities and another

...Appellants

VERSUS

Union of India and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJIV SHARMA
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present: Mr.Vijay Kumar Jindal, Senior Advocate with
Mr.Gopal Soni and Ms.Janya Sirohi Advocates
for the appellants.

RAJIV SHARMA, J.

The appeal is directed against the judgment rendered by learned
Single Judge in CWP No.15948 of 2018 decided on 26.04.2019.

The brief facts necessary for the adjudication of the present
appeal are that appellants had entered into contract with Indian Railways for
carrying out sanitation work. According to the averments made by the
appellants their payment was stopped in February 2018. The main stand of
the appellants in the appeal is that this act of the Railways of not releasing
their payment is arbitrary. According to the stand taken by the Railway
Board, the payment has been withheld as per condition No.18 and 52-A of
the Railway Standard Conditions of Contract. Condition No.63 provides for
settlement of the dispute by way of Arbitration.

Learned Single Judge has also come to the conclusion that in

view of the alternative remedies available to the petitioners-appellants, this issue cannot be adjudicated in the writ jurisdiction. We are also of the view that correct findings have been rendered by learned Single Judge. In view of condition No.63 of the Railway Standard Conditions of Contract, it shall be open to the appellants to take steps to settle the matter by arbitration.

Accordingly, there is no merit in the present appeal and the same stands dismissed.

(RAJIV SHARMA)
JUDGE

October 29, 2019
Vgulati

(HARINDER SINGH SIDHU)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No