

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

CWP No. 9888 of 2020
Date of decision : 15.07.2020

102

Balagan MPCS, VPO Balagan Tehsil Ajnala

.....Petitioners

Vs.

State of Punjab and others

.....Respondent

CORAM: Hon'ble Mr. Justice G.S. Sandhawalia

Present:- Mr. J.S. Thind, Advocate,
for the petitioner.

(Proceedings are being conducted through
video conferencing, as per instructions).

G.S. Sandhawalia, J. (Oral)

The present writ petition has been filed under Articles 226 and 227 of the Constitution of India in the nature of mandamus directing the respondents to restore the business of collecting the milk society from various self help group of milk society from various self help group of milk producer/newly formed group of farmers/unregistered of Milk Producer to respondent no. 2 branch office at Khiara District Cooperative Milk Producer Union Ltd. It is alleged that they are working under Amul Dairy and directions are sought that respondents should return all the equipment which have been installed at his working place as per agreement dated 01.06.2019 (Annexure P-2).

The present writ petition has been filed on the strength of the above said agreement which has been appended as (Annexure P-2). A perusal of Clause 39 would go on to show that there is an arbitration clause provided and the said fact has also been pleaded in para no. 17 of the writ petition. It has further been pleaded that the respondents are autonomous

bodies and registered under the Punjab Cooperative Societies Act, 1961 (in short 'the Act').

Admittedly, once the provisions of the Act, as such, are applicable, there is an alternative and efficacious remedy as such to get the dispute referred to arbitration under the provisions of Sections 55 and 56 of the Act.

Faced with this situation, counsel for the petitioner does not wish to press the present writ petition and prays for withdrawal of the same with liberty to avail his alternative remedy, in accordance with law.

Ordered accordingly.

15.07.2020
shivani

(G.S. Sandhawalia)
Judge

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No