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(Proceedings through V.C.)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 04.12.2020

1. CWP No.18752 of 2020

MANCHANDA TRADING COMPANY ... Petitioner

Vs

STATE OF HARYANA AND OTHERS ... Respondents

2. CWP No.18275 of 2020

GURVINDER SINGH ..Petitioner

V/S

STATE OF HARYANA AND ANOTHER ...Respondents

3. CWP No.18769 of 2020

GAGAN MANCHANDA ..Petitioner

V/S

STATE OF HARYANA AND OTHERS ...Respondents

4. CWP No.20382 of 2020

PANKAJ MADAN ..Petitioner

V/S

STATE OF HARYANA AND OTHERS ...Respondents

CORAM :- HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Siddharth Gupta, Advocate
for the petitioner.

(in CWPs No.18752, 18769 & 20382 of 2020).

Mr.Jasmer Singh Rozera, Advocate
for the petitioner.(in CWP No.18275 of 2020).

Ms.Shubhra Singh, Addl. AG, Haryana.

AUGUSTINE GEORGE MASI, J. (ORAL)

In these cases, the petitioners have approached this Court challenging the show cause notices dated 10.08.2020 and 13.10.2020 issued to the petitioners by the General Manager, Haryana State Transport, Ambala, Office at bus stand, Ambala Cantt, Ambala for payment of rent.

Notice of motion was issued by this Court.

Learned counsel for the State has brought to notice of this Court an order passed by the co-ordinate Bench of this Court in CWP No.20217 of 2012 titled as “ Dinesh Kumar Manchand vs. State of Haryana and others” decided on 26.11.2020 which relate to and pertain to same issue and of the same nature as the present cases are. The order dated 26.11.2020 reads as under:-

“This petition has been filed by the petitioner challenging the show cause notices dated 10.08.2020 (Annexure P-2) and 13.10.2020 (Annexure P-4) issued to the petitioner by the respondents asking him to deposit rent for the period 01.07.2020 to 31.12.2020 of the shop that is leased out to the petitioner.

The show cause notice dated 13.10.2020 (Annexure P-4) clearly specifies that the petitioner, if aggrieved, would be at

liberty to file response before the authorities by 20.10.2020. It is also evident from the agreement entered into by the petitioner with the respondents that clause 17 thereof provides for arbitration in case of any dispute arising between the parties. Apparently, in the instant case, the petitioner has not filed any response to the notice dated 13.10.2020 (Annexure P-4), nor has the petitioner invoked the arbitration clause. There is also nothing on record to indicate that there is any order of cancellation passed by the authorities, nor is there any averment to this effect in the petition.

In the circumstances, we do not feel that there is any ground made out by the petitioner for entertaining the petition, at this stage. The petition is accordingly disposed of granting liberty to the petitioner to submit response to the show cause notices issued by the respondents.

Mr. Deepak Balyan, learned Additional Advocate General, Haryana, appearing for the respondents, submits that in case the petitioner does so within a week, the authorities concerned shall consider and take a decision thereon.

It goes without saying that the petitioner, if aggrieved, would still be at liberty to invoke the arbitration clause.

With the aforesaid observations and in view of the statement made by learned Additional Advocate General, Haryana, the writ petition stands disposed of” .

We perused the said order and after going through the same we are of the view that these writ petitions deserve to be disposed of in same terms.

Ordered accordingly.

**(AUGUSTINE GEORGE MASIH)
JUDGE**

**(ASHOK KUMAR VERMA)
JUDGE**

December 04, 2020

Jyoti-1 Whether speaking/reasoned Yes/No Whether Reportable Yes/No