

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

CWP-6821-2021

Date of decision : 23.03.2021

M/s A.S. Enterprises

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Raman Sharma, Advocate, for the petitioner.
Mr. Vikas Mohan Gupta, Additional Advocate General, Punjab.

(The aforesaid presence is being recorded through video conferencing since the
proceedings are being conducted in virtual Court).

RAVI SHANKER JHA, CHIEF JUSTICE (Oral)

The petitioner has filed this petition being aggrieved by the communication dated 19.03.2021 (Annexure P-11) issued by the office of respondent No.3 – Depot Manager, PUNBUS, Hoshiarpur, informing the petitioner that on account of default on its part in depositing the contract fee, the contract awarded to the petitioner for operation and maintenance of bus terminal Mukerian (Hoshiarpur) shall be suspended with effect from 23.03.2021 and thereafter, in case the petitioner fails to make deposit of the outstanding dues within 30 days from the receipt of the communication dated 19.03.2021, a notice of termination would be issued to it.

When confronted with Clause 22 of the Management Contract, under which the contract has been awarded to the petitioner, which provides for a mechanism for resolution of dispute arising between the parties, learned counsel for the petitioner prays for permission to approach the authorities by invoking the said Clause. He submits that the petitioner is also

willing to make partial deposit of the amount due and prays for a direction to the authorities to stay the order of suspension of the contract.

Learned Additional Advocate General, Punjab, appearing for the respondents, including PUNBUS, on advance copy, submits that in case the petitioner approaches the authorities for dispute resolution under Clause 22 of the Management Contract and also files an application making his proposal regarding partial deposit etc. and on that basis prays for stay of suspension of the contract, the authorities concerned shall look into the matter and pass order on the application for stay as well.

Taking the statements of learned counsel for the petitioner as well as learned Additional Advocate General, Punjab, on record, the petition is disposed of in terms of and in accordance with the said statements made before this Court, with a further observation that this Court has not expressed any opinion on the merits of the case.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

March 23, 2021
ndj

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