

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

124

CWP-9402 of 2022 (O&M)

Date of decision: 05.05.2022

M/s Mahadev Enclave Pvt. Ltd.

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR.JUSTICE M.S. RAMACHANDRA RAO
HON'BLE MR.JUSTICE H.S. MADAAN**

Present: Mr. Narender Hooda, Sr. Advocate with
Mr. Rajesh K. Sheoran, Advocate and
Mr. Karanvir Hooda, Advocate for the petitioner.

M.S. RAMACHANDRA RAO, J. (Oral)

In this writ petition, speaking order dt. 27.08.2021 (Annexure P-22) rejecting petitioner's representation dt. 23.03.2021 (Annexure P-21), apart from demand notices dt. 29.03.2022 (Annexure P-27) and dt. 28.04.2022 (Annexure P-28), demanding a sum of Rs.12,52,37,601/- are challenged. The petitioner is also seeking a refund of a sum of Rs.16,48,99,271/- from respondents No.1 to 4 along with interest @ 18% p.a.

Notice of motion.

Mr. P.S. Bajwa, Addl. AG, Punjab accepts notice on behalf of respondent-State.

After hearing the submissions of both sides and having perused the Concession Agreement in form L-1 dt. 14.01.2020 between

the State of Punjab and the petitioner, and after noting the contentions raised by the petitioner as well as respondent in the writ petition, we are of the considered opinion that this is a fit case where the matters are required to be resolved through arbitration as permitted in Clause 48 of the said Concession Agreement, since any adjudication by this High Court would involve consideration of the detailed submissions on facts which appear to be prima facie in dispute.

Therefore, granting liberty to the petitioner to avail the said remedy, without expressing any opinion on the merits of the contentions of either side, this writ petition is disposed of.

(M.S. RAMACHANDRA RAO)
JUDGE

(H.S. MADAAN)
JUDGE

05.05.2022
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No