

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

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**CWP-9743-2022 (O&M)
Date of decision: 07.10.2023**

AGRI GOLD PROJECTS LTD AND ANOTHER

.....Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Ms. Amrita Panda, Advocate and
Ms. Anjali Sheoran, Advocate
for the petitioners.

Ms. Niharika Sharma, AAG, Punjab.

Mr. Ashish Aggarwal, Sr. Advoate with
Mr. Harminder Singh, Advocate and
Mr. Vishal Pundir, Advocate
for respondents No. 5 to 7.

VINOD S. BHARDWAJ, J. (Oral)

Prayer made in the present writ petition is for seeking directions to the respondents to pay the undisputed amount of Rs. 14,02,91,738/-. The petitioner Company is a sub contractor under respondent No.5 and has approached this Court for seeking a direction to the official respondents to release the payment for the work executed under a sub bi-partite contract executed between the petitioner and respondent No.5. Reliance for seeking the above said relief has been placed on certain payments that had been directly remitted by the respondents-State to the petitioner, in view of the work executed by it

and to contend that in view of the said inter-mediate developments, the petitioner would be entitled to release of the entire undisputed dues on completion of the works under the sub contract in its favour.

Per contra, counsel for the respondent-State has submitted that the interim payments had been released in favour of the petitioner under an agreement between the parties and the payments in this regard were released with the approval of the respondent No.5-JV. She further contends that there is no privity of contract between the petitioner and the official respondents as such, any rights/obligations, if any of the petitioner are enforceable solely against respondent No.5-JV. An Arbitration Petition bearing No. 69 of 2023 has already been filed by the petitioner for seeking appointment of an Arbitrator under Section 11 of the Arbitration and Conciliation Act, 1996. Hence, the petitioner having invoked her rights and remedies under the Arbitration and Conciliation Act, 1996, she is entitled to seek enforcement of her rights against respondent No.5 and cannot seek any mandamus against the respondent-department.

Faced with the above, counsel for the petitioner contends that she does not press the instant petition at this stage so as to pursue her remedies before the Court where the arbitration proceeding is pending and that the interim relief granted to her vide order dated 10.05.2022 may be extended for a further period of 04 weeks so as to enable her to pursue her remedies and seek expeditious adjudication of the pending arbitration petition.

Counsel for respondent No.5 has graciously extended the

said indulgence as well.

Accordingly, the present petition is disposed of without commenting on the merits of the case and with a liberty to the petitioner to move an appropriate application in the pending arbitration petition. The interim order dated 10.05.2022 shall operate for a period of 04 weeks or till the listing of the said application, whichever is earlier.

All the pending miscellaneous application(s), if any, are also disposed of.

(VINOD S. BHARDWAJ)
JUDGE

OCTOBER 07, 2023

Vishal sharma

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