

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.10077 of 2023 (O&M)

Date of Decision: 10.05.2023

Future Gaming and Hotel Services Pvt. Ltd.Petitioner

versus

State of Punjab and anotherRespondents

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

Present : Mr. Amit Jhanji, Senior Advocate with
Mr. Shobit Phutela, Advocate and
Mr. Shashank Shekhar Sharma, Advocate, for the petitioner.

Mr. Arjun Sheoran, Deputy Advocate General, Punjab.

RAVI SHANKER JHA, CHIEF JUSTICE (oral)

This petition has been filed by the petitioner being aggrieved by the order dated 05.05.2023 (Annexure P-40) by which the petitioner's request for issuance of 'No Due Certificate' has been rejected and it has been held by the authorities that in case the petitioner clears all the dues within a period of seven days, the No Due Certificate would be issued within three days.

Learned senior counsel appearing for the petitioner submits that the petitioner is not liable to pay any dues and therefore, the question of clearing all the dues for the purposes of obtaining 'No Due Certificate' does not arise.

Having heard learned senior counsel for the petitioner at length, it is observed that the petitioner has previously approached this Court by filing a Civil Writ Petition No. 8113 of 2023. The said petition was disposed of by this Court on 20.04.2023 in the following terms:-

"Learned senior counsel for the petitioner, after arguing at length, confines his prayer to the limited aspect of considering his request for issuance of a no due certificate and submits that the other issues would be raised by the petitioner in arbitration in accordance with the dispute settlement clause contained in the agreement or by way of any other alternative remedy.

Mr. Arjun Sheoran, learned Deputy Advocate General, Punjab, on instructions from Mr. Shiv Kumar,

Supervisor as well as Devinderpal Singh, Head Cashier, submits that the petitioner's letter/representation dated 22.03.2023 (Annexure P-24) for issuance of no due certificate would be considered and decided by the respondent-authorities as expeditiously as possible, preferably, within a period of one week and they would also give an opportunity of hearing to the petitioner before doing so.

In view of the aforesaid submission made by learned senior counsel for the petitioner as well as the statement of learned State counsel, the writ petition stands disposed of."

From a perusal thereof, it is stated by learned senior counsel for the petitioners that except the issue of 'No Due Certificate', he would raise all other disputes in the arbitration proceedings, which he would invoke as per Clause 12 of the agreement between the parties. Pursuant to the order dated 20.04.2023 (ibid) passed by this Court, the respondent-authorities had decided the representation of the petitioner regarding issuance of 'No Due Certificate' vide impugned order dated 05.05.2023 and it has been held by the authorities that in case the petitioner clears all the dues within seven days, then 'No Due Certificate' would be issued within three days.

However, in view of the aforesaid, it is evident that the issue of payment of dues is a seriously contested issue between the parties and falls within the disputes that are otherwise to be taken up by the petitioner in the arbitration proceedings.

In such circumstances, the petition filed by the petitioner is disposed of permitting the petitioner to raise this issue as well as all other issues, if so advised, in arbitration proceedings as per the agreement between the parties.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

10.05.2023
ravinder

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