

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

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**CWP-29285-2023
Date of Decision: 22.12.2023**

M/S SAM (INDIA) BUILTWEILL PVT. LTD.

..... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.... Respondents

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

Present: Mr. Sunil Chadha, Senior Advocate with
Ms. Devyani Sharma, Advocate and
Ms. Taanvi Dhull, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been instituted under Articles 226/227 of the Constitution of India, 1950 seeking issuance of a writ in the nature of Mandamus directing the respondent No.2 to pronounce an award in the Arbitral Dispute regarding construction of Central Sudhar Ghar of Amritsar and/or to supply copy of Award to the petitioner.

Learned counsel appearing on behalf of the petitioner contends that on 10.08.2013, State of Punjab through Chief Engineer, Punjab, Public Works Department (Buildings & Roads) issued bidding document for construction of Central Sudhar Ghar at Amritsar, Punjab. The petitioner company participated and remained successful in the said bidding. The petitioner company successfully completed the said project well in time but some dispute arose in respect of the final bill amounting to Rs. 6,96,96,129/-

which was rejected by respondent No.3 vide letter dated 18.02.2019. In relation to the said dispute, vide letter dated 21.05.2019, the petitioner-company approached respondent No.2-Punjab Infrastructure Regulatory Authority (for short "PIRA") by invoking Section 6 (1-A) of the Punjab Infrastructure (Development & Regulation) Act, 2002 seeking appointment of an independent sole arbitrator with technical background. However, the then Chairman, PIRA constituted an Arbitral Tribunal on 06.09.2019 and appointed himself as the sole arbitrator and initiated arbitration proceedings. Therefore, vide letter dated 15.12.2021 (Annexure P-3), PIRA asked the petitioner company to immediately deposit an amount of Rs. 53,358/- on the ground that the said amount is due towards arbitration fee and administrative and incidental charges and reserved the said Award. After receiving the aforesaid letter dated 15.12.2021, the petitioner company responded to the same through clarification letter dated 23.12.2021, wherein it was explained that in fact an amount of Rs. 20,589/- has since been paid in excess, therefore, the same was requested to be returned to the petitioner company. However, after waiting for sufficient long time during which PIRA never responded to the aforesaid letters dated 30.11.2021 (Annexure P-2) and 23.12.2021 (Annexure P-4) submitted by the petitioner company, vide its letter dated 05.11.2023 (Annexure P-5), petitioner called upon PIRA to pronounce an Award and/or to supply copy of Award to the petitioner, if any, already passed.

Notice of motion.

Mr. Sehajbir Singh Aulakh, Asst. A.G. Punjab appears and accepts notice on behalf of respondent-State.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.2-the Punjab Infrastructure Regulatory Authority (PIRA), is directed to pronounce an Award and/or to supply copy of Award to the petitioner, if any, already passed.

Learned counsel for the respondents does not oppose the prayer made by learned counsel for the petitioner.

Accordingly, in view of the above, with the consent of the parties and without commenting anything on the merits of the case, the present petition is disposed of while directing respondent No.2-the Punjab Infrastructure Regulatory Authority (PIRA) to pronounce an Award and/or to supply copy of Award to the petitioner, if any, already passed. In case the award has not already been passed, then the same be done within a period of 03 months after giving an opportunity of hearing to the respective parties.

Petition stands disposed of accordingly.

DECEMBER 22, 2023
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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