

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

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**CR-1464-2024 (O&M)
Date of decision:14.03.2024**

Municipal Corporation, Rohtak

... Petitioner

Vs.

M/s IND Sanitation Solutions Pvt. Ltd.

... Respondent

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

Present: Mr. Aman Bahri, Advocate for the petitioner.

...

SUKHVINDER KAUR, J. (ORAL).

1. The instant revision petition has been filed by the petitioner/defendant against the order dated 13.09.2023 passed by the District Judge, Rohtak, whereby in the appeal filed by the respondent/plaintiff against the order dated 04.09.2023, passed by the Civil Judge, Rohtak, the defendant has been restrained from interfering in the working of the plaintiff on the basis of letter dated 05.06.2023 till further orders. The respondent/plaintiff filed suit for declaration with consequential relief for staying the operation of letters dated 12.05.2023 and 13.05.2023 and further not interfering in the working of the plaintiff, not to invite tenders, alleging the subsequent conditions incorporated in the extended letters to be illegal, null and void, not binding on the rights of the plaintiff.

2. Brief facts that are required for disposal of the instant revision petition are that the plaintiff/firm (erstwhile M/s Parvati Enterprises) was provided contract for providing conservancy services of sanitation work of HUDA sectors, Rohtak for three years vide Memo No.4948 dated 06.07.2016. The said contract was extended from time to time. Ultimately, vide letter dated 06.07.2022 the work period was extended from 06.07.2022

to 05.07.2024 with same terms but vide letter dated 12.05.2023, the same was terminated from 31.05.2023 on the ground that as per the settled RFP by the directorate, certain new guidelines have been issued and therefore, new online tenders were to be opened on 15.05.2023 and the work allotted to the plaintiff was terminated by invoking Clause 5 of letter dated 06.07.2022. Aggrieved of the said termination, plaintiff filed a suit for declaration with consequential relief of staying the operation of letters dated 12.05.2023 and 13.05.2023 along with stay application which was allowed by the trial Court vide order dated 29.05.2023 with the liberty to rescind the contract of the respondent/plaintiff by giving three months notice. Thereafter, pursuant to the direction of the trial Court, the defendant issued another letter dated 05.06.2023 by giving final notice of three months to stop work by 04.09.2023, which was challenged by the respondent by filing second stay application and the same was dismissed vide order dated 04.09.2023 of the trial Court. Thereafter, aggrieved of the same, the plaintiff filed an appeal against the said order dated 04.09.2023 and the Appellate Court vide the impugned order dated 13.09.2023 restrained the defendant from interfering in the working of the plaintiff on the basis of letter dated 05.06.2023 till further orders. Aggrieved of the said order, the present revision petition has been filed at the hands of the petitioner/defendant.

3. It has been contended by learned counsel for the petitioner that the impugned order passed by the Appellate Court is perverse and sans reasons. The Appellate Court has failed to appreciate the fact that the letter dated 05.06.2023 is not the subject matter of the main civil suit and the prayer made in the application is not there in the main suit. He has further

contended that the Court below has erred in law while passing the impugned order as it is a well settled preposition of law that the Courts should not interfere or disturb the policy formulated by the State. Mere fact that the policy would hurt business interest of a party, does not justify invalidating the policy. However, the said policy has not even been challenged by the plaintiff. He has argued that the Court below has also not appreciated the fact that the original tenure period of the respondent/plaintiff was over and it was only extension on which the plaintiff was working, hence the plaintiff has no absolute right to seek continuation of work. He has further argued that the observations made by the Court below are erroneous and unsustainable in the eyes of law and the impugned order is arbitrary, illegal and is liable to be set aside.

4. I have heard learned counsel for the petitioners at length and have perused the records.

5. A perusal of the impugned order reveals that it has been held that considering that terminating the contract as per convenience of the defendant prima facie would not only cause irreparable loss to the plaintiff but it would also affect the public at large as the job of the plaintiff is to get clean and sweep the roads and parking area, disposal of waste from various areas of Rohtak city and in these circumstances, considering the wider repercussions of disallowing the sweeping and cleaning work being done by the plaintiff abruptly, the defendant was restrained from interfering in the work of the plaintiff on the basis of letter dated 05.06.2023 till further order.

6. However, during the course of arguments, learned counsel for the petitioner has submitted that as the case is fixed before the Appellate

Court for arguments on merits of the appeal, he would be satisfied if a direction is issued to the Appellate Court to decide the appeal in a time bound manner.

- 7. So, keeping it in view, the Appellate Court is directed to dispose of the appeal on merits as per law, within a period of one month after affording opportunity of hearing to both the parties.
- 8. Revision petition is disposed of in the aforesaid terms.
- 9. All pending applications, if any, also stand disposed of accordingly.

14.03.2024
harjeet

(SUKHVINDER KAUR)
JUDGE

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |