

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARHSr. No.242CWP-7354-2021 (O&M)Date of decision : 28.11.2024

M/s Leo Mediacom

..... Petitioner

Versus

Municipal Corporation, Gurugram and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
 HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Ms.Radhika Suri, Senior Advocate, with
 Mr.Abhinav Narang, Advocate,
 Ms.Parnika Singla, Advocate, and
 Mr.M.S.Kanda, Advocate, for the petitioner.

Mr.Padamkant Dwivedi, Advocate, for respondent No.1.

Mr.Hitesh Pandit, Addl.A.G., Haryana.

* * * * *

DEEPAK SIBAL, J. (Oral)

1. On 20.09.2016 a work order, issued by the Municipal Corporation, Gurugram (for short, MC), was placed upon the petitioner to effectively implement the Street Vendors Act, 2014 and the policy so formulated by the Town Vending Committee, Gurugram as also the directions/guidelines/policy/orders that may subsequently be issued by the competent authority/court. Through the said work order the petitioner was to ensure effective implementation, superintendence, control and management of street vendors at the designated sites in Sectors 14 and 46, Gurugram, for a period of three years.

2. A Letter of Intent (for short, LOI) dated 18.10.2017 was also issued by the MC in favour of the petitioner and this LOI was for undertaking by the petitioner a Pilot Street Vending Project in Sectors 22, 23, 49, 51 and 52, Gurugram. The terms & conditions of this LOI were the same as had been settled in the work order dated 20.09.2016.

3. On 03.12.2020 the MC decided to terminate the work order issued to the petitioner on 20.09.2016 as also the LOI dated 18.10.2017 primarily for the reason that



such work order and the LOI were for a period of three years which period had elapsed and that in the meanwhile, no worthwhile work had been executed by the petitioner.

4. The petitioner petitioned this Court against the termination by the MC of afore-referred work order and LOI on several grounds including that the work in terms of the work order and LOI could have been executed by the petitioner only after the sites on which the petitioner was to execute the work would be designated by the MC which was done by the MC only on 01.06.2020. Therefore, the period of three years under the work order dated 20.09.2016 should commence from 01.06.2020 onwards. The case set up by the petitioner was that since the petitioner could not be faulted for the delay in the execution of the work, the termination of the work order and the LOI was illegal.

5. This Court put the MC to notice of the petitioner's petition and as an interim measure, directions were issued that pending further orders to be passed by this Court there shall be no issuance of a fresh work order to any third party for the superintendence, implementation, control and management of street vendors at the designated sites in Sectors 22, 23, 49, 51 and 52, Gurugram and that there shall also be stay on the recovery of any amount from the petitioner. Further proceedings in the FIR which had been got lodged by the MC against the officials of the petitioner, at Police Station District Gurugram, were also stayed.

6. One of the terms in the work order and the LOI in question is that if any dispute would arise in connection with the work order and the LOI the same would be referred for adjudication to the Commissioner, Municipal Corporation, Gurugram but since the Commissioner of the MC is a party to the decision impugned by the petitioner and because he is also defending the present petition, learned senior counsel for the petitioner submits that in spirit with the afore term of the work order the parties be relegated to get their disputes, arising out the work order dated 20.09.2016 and LOI dated 18.10.2017, to be decided by an independent Arbitrator which offer is readily accepted by learned counsel appearing for the MC.



7. In the light of the above, with the consent of learned counsel for the parties, Justice M.S.Sullar, a retired Judge of this Court is appointed as the sole Arbitrator to adjudicate upon the claims/counter claims to be raised before him by either party. However, such appointment would be subject to the declaration to be made by Justice Sullar under Section 12 of the Arbitration & Conciliation, 1996 (for short, the Act) with regard to his independence and impartiality to settle the disputes between the parties.

8. The Arbitrator is requested to complete the proceedings within the time limit specified under Section 29A of the Act.

9. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended or as may be mutually settled by the parties and the Arbitrator.

10. As per agreement expressed by learned counsel for the parties, for the sake of the convenience of their respective clients, the venue of the arbitration shall be at Chandigarh.

11. A copy of this order be forwarded to Justice M.S.Sullar (Retd.) at the given address: -

Kothi No.220,
Sector 25, Panchkula.
(Mobile No. 9780008105)

12. After seeking the convenience of the Arbitrator, the parties are directed to appear before him on 13.12.2024 or on any other date suitable to all concerned.

13. Disposed of in the above terms.

14. Pending miscellaneous applications, if any, also stand disposed of.

[DEEPAK SIBAL]
JUDGE

28.11.2024
shamsher

[DEEPAK MANCHANDA]
JUDGE

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