



CWP-10620-2024

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

CWP-10620-2024**Date of Decision : 27.05.2024**

M/s Pankaj Security Services

..... Petitioner

Versus

The Postgraduate Institute of Medical Education and Research (PGIMER)
and others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present : Mr. Rahul Sharma, Advocate
for the petitioner.Mr. Amit Jhanji, Senior Advocate
with Mr. Vikrant Sharma, Advocate
for the respondents.

VIKRAM AGGARWAL, J

1. The petitioner, in pursuance to a tender having been issued by the respondent(s)-PGIMER, was granted a licence to run the cafeteria in New OPD Block, PGIMER, Sector 12, Chandigarh. Licence deed dated 22.10.2021 (Annexure P-1) was executed and the monthly licence fee was fixed at ₹9,21,786/- (Rupees Nine lac twenty one thousand seven hundred eighty six only) plus Goods and Services Tax (GST). The duration of the licence was one year which was further extendable for a period of six months. The licence was to end on 08.11.2022. Before its expiry, the



petitioner applied for extension which was denied vide order dated 31.10.2022 (Annexure P-2). The petitioner filed a writ petition i.e. CWP No.25475 of 2022 which was ultimately dismissed as withdrawn on 08.05.2023 as no interim relief had been granted. Aggrieved by the non-grant of interim relief, the petitioner had approached the Hon'ble Supreme Court of India but his SLP i.e. Special Leave to Appeal (C) No(s).21084/2022 was also dismissed vide order dated 05.12.2022 (Annexure P-4). The petitioner, therefore, vacated the cafeteria on 05.12.2022.

2. Since the petitioner was to vacate the cafeteria by 08.11.2022 which he actually vacated on 05.12.2022, Clause 32 of the Licence Deed was invoked by the respondents and penalty of five times the monthly licence fee was imposed.

3. The petitioner preferred a petition (Annexure P-7) for Dispute Resolution in terms of Clause 30 of the Licence Deed but his petition was rejected vide order dated 26.04.2023 (Annexure P-8) leading to the filing of the present writ petition.

4. During the course of arguments, learned counsel for the parties arrived at a consensus and it has mutually been agreed that for effective resolution of the dispute, the matter be referred to Arbitration and that for the said purpose, a Single Member Arbitral Tribunal be appointed. With their mutual consent, learned counsel for the parties have also proposed the name of Sh. B.S.Mehandiratta, District & Sessions Judge (Retired).

5. In view of the aforesaid, Sh. B.S.Mehandiratta, District &



Sessions Judge (Retired) is appointed as a Single Member Arbitral Tribunal to determine the disputes/issues arising in the instant matter for which, the parties shall appear before the said Arbitrator on 11.06.2024 at 11:00 a.m.

The petition is disposed of in the above terms.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

27.05.2024

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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No