

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(i)CWP-17112-2020 (O&M)

Kuldip Singh Pardesi..... Petitioner

Versus

Postgraduate Institute of Medical Eduction and Research, Chandigarh and others..... Respondents

(ii)CWP-1350-2021

Aruna..... Petitioner

Versus

Union of India and others..... Respondents

(iii)CWP-16681-2020(O&M)

Karamjit Singh..... Petitioner

Versus

Postgraduate Institute of Medical Eduction and Research, Chandigarh and another..... Respondents

(iv)CWP-17325-2020(O&M)

Navjeet Singh..... Petitioner

Versus

Postgraduate Institute of Medical Eduction and Research, Chandigarh and others..... Respondents

(v)CWP-17934-2020(O&M)

Smt. Shachi Sanwaria..... Petitioner

Versus

Union of India and another..... Respondents

(vi)CWP-18720-2020(O&M)

Robin Gupta and others..... Petitioners

Versus

Union of India and others..... Respondents

(vii)CWP-20342-2020 (O&M)

Indu Bala..... Petitioner

Versus

Postgraduate Institute of Medical Eduction and Research, Chandigarh and others..... Respondents

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(viii)

CWP-3571-2021

Vinod Kumar Arora

..... Petitioner

Versus

Postgraduate Institute of Medical Education and Research, Chandigarh and
others Responder

..... Respondents

(ix)

CWP-4197-2021

Bal Krishan

..... Petitioner

Versus

Postgraduate Institute of Medical Education and Research, Chandigarh and
anotherRespondents

.....Respondents

$$(\mathbf{X})$$

CWP-8889-2021 (O&M)

Shiv Shakti Welfare Society through its secretary

..... Petitioner

Versus

Government Medical College and Hospital and others

..... Respondents

Date of Decision : 30.04.2024

CORAM : HON'BLE MR. JUSTICE ARUN PALLI

HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present : Mr. Sunil Chadha, Senior Advocate with
Mr. Rahul Bhargava and Ms. Devyani Sharma, Advocates
for the petitioners in CWP-17112-2020 and 17325-2020.

Mr. Chetan Bansal, Advocate
for the petitioners in CWP-18720-2020, CWP-1350-2020 and
CWP-20342-2020.

Mr. Rahul Sharma-1, Advocate
for the petitioners in CWP-16681-2020 and CWP-4197-2021.

Mr. Rajiv Kataria, Advocate
for the petitioner in CWP-17934-2020.

Mr. D.S.Patwalia, Senior Advocate with
Ms. Alisha Sharda, Advocate for the petitioner in CWP-3571-2021.

Ms. Nishtha Garg, Advocate
for Ms. Dhivya Jerath, Advocate
for the petitioner in CWP-8889-2021.

Mr. Satya Pal Jain, Additional Solicitor General of India

with Mr. Dheeraj Jain, Senior Counsel,
for the respondent(s)-Union of India.

Mr. Amit Jhanji, Senior Advocate with
Ms. Zaheen Kaur, Advocate
for the respondent(s)-PGIMER.

Mr. Mayank Sharma, Advocate
for the respondent(s)-UT, Chandigarh.

VIKRAM AGGARWAL, J

1. This order shall dispose of 10 writ petitions, titled above. For the purpose of decision of these writ petitions, the facts are being derived from CWP No.17112 of 2020.

2. Challenge in all writ petitions is to the order dated 03.10.2020 (Annexure P-21) vide which the representations submitted by the petitioners were rejected.

3(i). In pursuance of tenders having been issued by the respondent(s)-Post Graduate Institute of Medical Education and Research (for short 'PGIMER') for running chemist shops in different areas of PGIMER Campus, provision/grocery store(s), restaurants, shop for vaccine, cafeteria, open site for running Tea/Coffee/Soup Vending machine, Shop for rehabilitation & Artificial Limbs, Hostel mess (Boys and Girls Hostels) in Government Medical College & Hospital, Sector 32, Chandigarh, etc., the petitioners applied and remained successful.

3(ii) Less than a year after the petitioners had started functioning, COVID-19 struck the nation, leading to a complete Lockdown. The petitioners alongwith certain other aggrieved persons knocked the doors of this Court by way of CWP-7345 of 2020 and other connected cases stating

that on account of the COVID-19 Pandemic not only had they suffered losses, it had also become impossible and impracticable for them to fulfill their obligations under the licence deeds executed by them. They sought waiving off the licence fee or to charge the same in easy installments.

3(iii) The writ petitions were disposed of vide judgment dated 03.09.2020 (Annexure P-17) directing the petitioners to submit representations within a period of two days from the date of receipt of certified copy of the said order to the Director, PGIMER, Chandigarh and Director Principal-Government Medical College and Hospital, Sector 32, Chandigarh who in turn were directed to consider and take a conscious decision on the same within a period of 10 days thereafter.

3(iv). Vide order dated 03.10.2020 (Annexure P-21), the representations were rejected.

4. Aggrieved by the rejection of the representations, the writ petitions have been preferred.

5. Since both sides seek expeditious resolution of the issue in hand, therefore, to avert any delay in the same, they have, during the course of arguments, reached a consensus. It has been mutually agreed that for effective and speedy resolution of the disputes, the matter be referred to Arbitration. Learned counsel representing the parties are *ad idem* that a Single Member Arbitral Tribunal be appointed.

6. Learned counsel for the parties have, under the circumstances, with mutual consent, proposed the name of Justice Rajiv Narain Raina (Retired) to be the Arbitrator in these cases.

7. Since the parties have mutually agreed to get their disputes

adjudicated by way of arbitration and have mutually agreed to the appointment of Justice Rajiv Narain Raina (Retired) as the Arbitrator, we order accordingly and appoint Justice Rajiv Narain Raina (Retired) as an Arbitrator to adjudicate upon the disputes between the parties.

8. Learned counsel for the parties are ad-idem that they shall cause appearance before the aforesaid learned Arbitrator within a period of two weeks from the date of receipt of a certified copy of this order for commencement of the Arbitral proceedings.

The writ petitions are accordingly disposed of in the aforesaid terms.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

30.04.2024
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No