

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision : 16.04.2024

(i) CWP-26171-2023

M/s Garg and Company
..... Petitioner

Versus

Haryana State Cooperative Supply and Marketing Federation Limited (HAFED)
and others
..... Respondents

(ii) CWP-26577-2023

M/s Garg and Company
..... Petitioner

Versus

Haryana State Cooperative Supply and Marketing Federation Limited (HAFED)
and others
..... Respondents

(iii) CWP-27280-2023

M/s Garg and Company
..... Petitioner

Versus

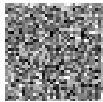
Municipal Council, Kaithal and others
..... Respondents

(iv) CWP-27310-2023

M/s Garg and Company
..... Petitioner

Versus

Haryana State Agricultural Marketing Board and another
..... Respondents



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

Present : Mr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Alok Mittal, and Mr. Gurbir Singh Dhillon, Advocates
for the petitioner.

Mr. Ankur Mittal, Addl. Advocate General, Haryana and
Ms. Kushaldeep Kaur, Advocate

VIKRAM AGGARWAL, J

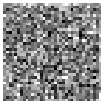
1. This order shall dispose of four writ petitions, titled above, all filed by the petitioner M/s Garg & Company. For the purpose of decision of these writ petitions, the facts are being derived from CWP No.26171 of 2023.
2. The petitioner-firm is a proprietary concern and is stated to be engaged in the business of construction.
3. Out of the four civil writ petitions, two civil writ petitions pertain to Haryana State Cooperative Supply and Marketing Federation Limited (HAFED), Panchkula, one civil writ petition pertains to Municipal Council, Kaithal and remaining one pertains to Haryana State Agricultural Marketing Board, Panchkula.
4. The petitioner had been awarded a contract vide letter dated 05.06.2015 (Annexure P-2) for the work of construction of 26380 MT capacity godowns (without roofing) with EI works, CC roads, Boundary Wall, Manager Office, Chowkidar Quarter, P.H. Works, Septic tank, Soakage Pit and Underground water tank with Gateman cabin, 3 No. Injection wells and Drainage system in Food & Supply Department Haryana Complex at Bhor Saidan (Distt. Kurukshetra). Similarly in the other writ petitions, different works had been awarded to the petitioner vide different letters of different dates.

5. The works in all the aforesaid four civil writ petitions are as under:-

Sr. No .	CWP & Title	Name of Departmen t and circle	Name of work for which contract was allotted	Date of allotment of work order	DNIT Amount
1.	CWP-26171-2023 M/s Garg and Company Vs. Haryana State Cooperative Supply and Marketing Federation Limited (HAFED) and others	Haryana State Cooperative Supply and Marketing Federation Limited (HAFED), Panchkula	construction of 26380 MT capacity godowns (without roofing) with EI works, CC roads, Boundary Wall, Manager Office, Chowkidar Quarter, P.H. Works, Septic tank, Soakage Pit and Underground water tank with Gateman cabin, 3 No. Injection wells and Drainage system in Food & Supply Department Haryana Complex at Bhor Saidan (Distt. Kurukshetra)	05.06.2015	₹9,23,15,840/-
2.	CWP-26577-2023 M/s Garg and Company Vs. Haryana State Cooperative Supply and Marketing Federation Limited (HAFED) and others	Haryana State Cooperative Supply and Marketing Federation Limited (HAFED), Panchkula	Construction of 42200 MT capacity godown (without roofing) with EI works, CC roads, Boundary wall, Manager Office, Chowkidar Quarter, P.H. works, Septic tank, soakage	25.07.2023	₹14,72,26,305/-

			Pit and Underground water tank with gateman cabin, 3 No. Injection wells and Drainage system in Food & Supply Department Haryana Complex at Kharkhoda (Distt. Sonapat)		
3.	CWP-27280-2023 M/s Garg and Company Vs. Municipal Council, Kaithal and others	Municipal Council, Kaithal	Construction of City Square and bank square Building on Municipal Kaithal Land Measuring 43 kanal 10 marlas in Distt. Kaithal	21.07.2018	₹38,45,45,223/-
4.	CWP-27310-2023 M/s Garg and Company Vs. Haryana State Agricultural Marketing Board and another	Haryana State Agriculture Marketing Board, Panchkula	Development of Additional New Grain Market at Uchana Phase-I in District Jind	10.12.2015	₹10,37,81,745/-

6. It appears that certain disputes arose between the parties in all works leading to the filing of the present writ petitions.
7. During the course of arguments, it has been mutually agreed between the parties that for effective 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 for each of the works.
8. Learned counsel for the parties have, with mutual consent,



proposed the names of the following Arbitrators:-

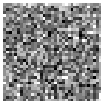
- 1. Justice S.K. Mittal (Retd.)
- 2. Justice R.N. Raina (Retd.)
- 3. Justice T.S. Dhindsa (Retd.)
- 4. Justice Jaishree Thakur (Retd.)

9. Since the parties have mutually agreed to get their disputes adjudicated by way of arbitration and have mutually agreed to the names of the Arbitrators, we appoint

- 1. Justice S.K. Mittal (Retd.)
- 2. Justice R.N. Raina (Retd.)
- 3. Justice T.S. Dhindsa (Retd.)
- 4. Justice Jaishree Thakur (Retd.)

as Arbitrators each of whom will head one of the four Single Member Arbitral Tribunals. The works which shall be dealt with by them are as under:-

Justice S.K. Mittal (Retd.)					
Sr. No.	CWP & Title	Name of Department and circle	Name of work for which contract was allotted	Date of allotment of work order	DNIT Amount
	CWP-26171-2023 M/s Garg and Company Vs. Haryana State Cooperative Supply and Marketing Federation Limited (HAFED) and others	Haryana State Cooperative Supply and Marketing Federation Limited (HAFED), Panchkula	construction of 26380 MT capacity godowns (without roofing) with EI works, CC roads, Boundary Wall, Manager Office, Chowkidar Quarter, P.H. Works, Septic tank, Soakage Pit and Underground water tank with Gateman cabin, 3 No. Injection wells and	05.06.2015	₹9,23,15,840/-



			Drainage system in Food & Supply Department Haryana Complex at Bhor Saidan (Distt. Kurukshetra)		
Justice R.N. Raina (Retd.)					
	CWP-26577-2023 M/s Garg and Company Vs. Haryana State Cooperative Supply and Marketing Federation Limited (HAFED) and others	Haryana State Cooperative Supply and Marketing Federation Limited (HAFED), Panchkula	Construction of 42200 MT capacity godown (without roofing) with EI works, CC roads, Boundary wall, Manager Office, Chowkidar Quarter, P.H. works, Septic tank, soakage Pit and Underground water tank with gateman cabin, 3 No. Injection wells and Drainage system in Food & Supply Department Haryana Complex at Kharkhoda (Distt. Sonapat)	25.07.2023	₹14,72,26,305/-
Justice T.S. Dhindsa (Retd.)					
	CWP-27280-2023 M/s Garg and Company Vs. Municipal	Municipal Council, Kaithal	Construction of City Square and bank square Building on Municipal Kaithal Land Measuring 43 kanal 10 marlas	21.07.2018	₹38,45,45,223/-

	Council, Kaithal and others		in Distt. Kaithal		
Justice Jaishree Thakur (Retd.)					
	CWP-27310-2023 M/s Garg and Company Vs. Haryana State Agricultural Marketing Board and another	Haryana State Agriculture Marketing Board, Panchkula	Development of Additional New Grain Market at Uchana Phase-I in District Jind	10.12.2015	₹10,37,81,745/-

10. Learned counsel for the parties are ad-idem that parties shall appear before the concerned Arbitrators within a period of two weeks from the date of receipt of the 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

16.04.2024
Mamta/Prince Chawla

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No