

**CWP-20979-2023 (O&M)****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****105****CWP-20979-2023 (O&M)****Date of Decision : January 15, 2025****M/S ULTRA TECH CEMENT LIMITED****-PETITIONER****V/S****STATE OF PUNJAB AND OTHERS****-RESPONDENTS****CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Manish Jain, Advocate with
Mr. Siddhant Jain, Advocate
for the petitioner.

Mr. Pardeep Bajaj, D.A.G., Punjab.

Ms. Sheenam Kamboj, Advocate for
Mr. D.S. Sobti, Advocate
for the respondent No.5.

KULDEEP TIWARI, J. (ORAL)

1. What has propelled the petitioner, a Company duly incorporated under provisions of the Companies Act, 1956, to institute the instant writ petition, is the hindrance created by the respondent No.5 in its day to day business operations.

2. It would be apt to record here that, earlier also, the petitioner had approached this Court through instituting CWP-10521-2020, which was allowed on 27.08.2020. Moreover, the official respondents were directed to strictly enforce law and order in the area and to ensure that there is free and unhindered movement of the goods, vehicles, work force etc. of the petitioner company.

3. Consequent upon issuance of notice upon the instant writ petition,

**CWP-20979-2023 (O&M)**

a detailed response was filed by the respondent-State on 03.10.2023, on affidavit of the Senior Superintendent of Police, District Rupnagar. What surges forth from a perusal of this detailed response is that, the members/office bearers of the respondent No.5 were causing hindrance in the business operations of the petitioner by threatening its vendors not to supply the necessary raw material for cement manufacturing and by laying blockades on the road leading from Shri Kiratpur Sahib, District Rupnagar, to the petitioner's plant, thereby obstructing movement of trucks. Moreover, the truck drivers and workers of the petitioner were also threatened.

4. Considering the disclosures made in the detailed response (supra), the hereinafter extracted order was passed by the Co-ordinate Bench on 03.10.2023:-

“Reply has been filed today and same is taken on record.

While the stand maintained by the respondents in their response is that the truck union/ truck operators are staging a peaceful protest and are not interfering in to the day-to-day affairs/working of the petitioner- company, counsel for the petitioner, however, submits that above said assertion is incorrect inasmuch as the representative/the truck union is not only threatening the truck driver/operators of the petitioner-company but are also illegally confining them and carrying out checking in an illegal manner and also manhandling its employees. He contends that the local police is in fact aligned with the truck operators/truck union and are not recording the statement of the drivers of the petitioner-company, who have been manhandled by the office bearers/representative of the respondent-union and instead of ensuring action as per law, are soft peddling the issue.

The respondent state denies the assertion made by the counsel for the petitioner and submits that the employees/drivers of the petitioner are not coming forward to get their statement

**CWP-20979-2023 (O&M)**

recorded.

A large number of cases involving the same issue are coming up regularly before this Court. In all such matters of transportation contracts, the truck operators union is allegedly not allowing independent operators to ply their vehicles. Even though, State of Punjab had notified Punjab Goods Carriages (Regulations and Prevention of Cartelization) Rules, 2017 against such action and notwithstanding that the action would be in conflict with constitution of India, the state has failed to show any grit and determination. The sheer number of such cases itself disputes the claim of the state that all things are fine. As a matter of fact, three such cases (including this case) are listed before this Court today itself. In one such case, the state filed an alleged settlement, which latter shows that in the matter the aggrieved agreed to operate through truck union has been shown to this Court. The dispute resolution mechanism entered by the State is rather promoting and nurturing defiance of law. It is because of such attitude of law enforcement agencies that such instances are on an ever rise.

The above said observation are recorded to reflect the anguish that a mere denial of problem may not be a solution. Acceptance and acknowledgment of wrong is the first step towards rectification.

It would, however, be premature at this juncture to record any finding unless the facts alleged are ascertained. It is thus deemed expedient in the facts of the case when petitioner alleges that their statements are not being recorded. It is directed that the parties bring their witnesses before the Illaqa Magistrate, Anandpur Sahib on 07.10.2023 to get recorded the statement of the employees, who are allegedly manhandled by respondent.

Let a report be received from the Illaqa Magistrate by 16.10.2023 with respect to any prima facie evidence of allegation levelled by the petitioner.

Counsel for the respective parties have been assertive of their respective stand. It has been informed in advance to the counsel for

**CWP-20979-2023 (O&M)**

the respective parties that in the event assertion of either of parties i.e. petitioner/or the respondents including the State are found to be incorrect, heavy cost shall be imposed on the erring/defaulting party.

To come up for hearing on 20.10.2023.”

5. Taking into account the hardship faced by the petitioner and many other similarly situated companies on day to day basis, the competent authority came up with a Standard Operating Procedure to be followed in all Districts and Commissionerate across the State of Punjab in order to ensure free movement of goods and freight throughout the State of Punjab. The relevant portion of the Standard Operating Procedure, as encapsulated in the affidavit of Gulneet Singh Khurana, IPS, Senior Superintendent of Police, District Rupnagar, which is placed on record today by the learned State counsel, is reproduced hereunder:-

“I. Every District shall nominate an officer not below the rank of Superintendent of Police to be the nodal officer in this matter.

II. The nodal officer shall ensure that whenever any such type of complaint is received in any police station or through any through any other means like E-mail, complaint on 112; Emergency Response Police Helpline etc. the same shall be communicated to his/her office.

III. The said nodal officer shall maintain electronically or otherwise a record of all such complaints received including action taken on them.

IV. The nodal officer shall also ensure that immediate legal action as per law is initiated to ensure that redressal of the grievances takes place at the earliest. He will also be responsible to pass on relevant information to all CsP/SSsP without any delay.

V. The designated Superintendent of Police will be the nodal officer for all litigation arising out of above matters.”

6. The affidavit (supra) reveals that, post issuance of the Standard

**CWP-20979-2023 (O&M)**

Operating Procedure, the Superintendent of Police (HQ), Rupnagar, was appointed as Nodal Officer, who has submitted his report dated 11.01.2025 to the effect that, after 02.12.2023, no fresh complaint on the issue at hand has been received from the petitioner or any other person.

7. The above made revelation is not disputed by the learned counsel for the petitioner and he submits that, presently there is no such confrontation with the respondent No.5. However, he submits that, in case any hindrance is created by the respondent No.5 in future, the petitioner shall be given liberty to approach the Nodal Officer for redressal of its grievance.

8. The learned counsel representing the respondent No.5 also submits that, the respondent No.5 does not have any intention to create any hindrance in the day to day business operation of the petitioner.

9. On account of the supervening events, coupled with the submissions made by the learned counsels for the parties, this Court is of the view that, no further direction is required to be passed. Consequently, the instant petition is closed. However, liberty is reserved to the petitioner to, in case of any unlawful hindrance in its business operations in future, approach the Nodal Officer (supra), whereupon, the latter shall ensure to take prompt and effective steps in that regard, in accordance with law.

10. Disposed of accordingly.

11. Pending application(s) also stand disposed of accordingly.

January 15, 2025
devinder

(KULDEEP TIWARI)
JUDGE

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