

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.16668 of 2013 (O&M)
DATE OF DECISION: 09.03.2015

Punjab State Grains Procurement Corporation Limited
.....Petitioner
versus
Union of India and others
.....Respondents

CORAM:- HON'BLE MR.JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE G.S. SANDHAWALIA

Present: Mr. Rakesh Gupta, Advocate for the petitioner

Mr. Sunil Kumar Sharma, Senior Panel Counsel for
Union of India/respondent No.1

Mr. Sumeet Goel and Mr. Manav Bajaj, Advocates
for respondents No.2 and 3/FCI

Mr. Piyush Kant Jain, Addl. Advocate General,
Punjab
..

S.J. VAZIFDAR, ACTING CHIEF JUSTICE (Oral):

Rule. Rule returnable and heard forthwith.

2. The petitioner seeks an order directing the respondents to release the payment due on account of the fee payable in the form of Infrastructure Development Cess (ID Cess) as provided under the Punjab Infrastructure (Development & Regulation) Act, 2002 and the rules framed thereunder.

3. The respondents No.2 and 3 are the Food Corporation of India (FCI). Respondent No.4 is the Punjab Infrastructure Development Board and respondent No.4 is the Excise and Taxation Officer, Patiala.

4. The learned counsel appearing on behalf of respondents No.2 and 3/FCI has tendered a letter dated 05.03.2015 addressed to him. He reiterates the contents thereof before us. He has also tendered a tabular statement showing the district-wise and agency-wise details of the payments made to the State agencies for different claims of ID Cess as on 05.03.2015.

5. The learned counsel appearing on behalf of the petitioner states that an amount of Rs.1165 crores is still to be paid along with interest thereon.

The said communication states that the claims for reimbursement of ID Cess to the extent of about 462.64 crores up to 05.03.2015 have been received. The said amount of Rs.462.64 crores has been paid. This includes an amount of Rs.200 crores paid earlier in advance.

6. The learned counsel appearing on behalf of FCI further reiterates the statement that the State agencies are requested to submit their claims with the concerned district officers of FCI with proof of payment of ID Cess at the enhanced rate in order to enable the FCI to reimburse the same immediately. It is further stated that the reimbursement of the balance amount would be ensured by the FCI immediately on receipt of the complete claims from the agencies along with necessary proof.

7. The statements are accepted without prejudice to the rights and contentions of respondents No.2 and 3/FCI.

8. The learned counsel appearing on behalf of the petitioner also claims interest on account of the delay in payment.

9. We are not inclined at this stage to consider the claim for interest. Our attention has not been invited to any provision under which interest is liable to be paid by the FCI for the delayed payments. Moreover, even these payments the FCI is agreed to make without prejudice to its rights and contentions that it is not liable to make the said payments. We are informed that a petition for special leave is pending before the Supreme Court in this regard. The petitioner is at liberty to adopt appropriate proceedings for the claim regarding the interest.

10. We reiterate that this petition does not concern the dispute between the petitioner and respondent No.4 *inter se*. Respondent No.4 contends that the petitioner ought to forward the amounts received by it to respondent No.4. This petition does concern this dispute. That is a matter between the petitioner and respondent No.4.

11. The writ petition is accordingly disposed of, namely, by accepting the above statements made on behalf of respondents No.2 and 3 without prejudice to their rights and contentions.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

09.03.2015
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(G.S. SANDHAWALIA)
JUDGE