

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No. 21409 of 2014
Date of Decision: 21.02.2015

M/s Joshua Foods

..Petitioner

versus

Union of India and others

..Respondents

CORAM: HON'BLE MR. JUSTICE S.J.VAZIFDAR, ACTING CHIEF JUSTICE.
HON'BLE MRS. JUSTICE RAJ RAHUL GARG.

Present : Mr. Veneet Sharma, Advocate, for the petitioner.
Ms. Deepali Puri, Advocate, for the respondents.

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

Learned counsel appearing on behalf of the petitioner-firm states that he only needs some time to comply with his obligation to lift the paddy as they were required to under the order placed on them in their favour by the respondents. On account of the petitioners' failure to lift the paddy, the stock has been re-auctioned. Last date for receiving the bids is 23.02.2015. The petitioners agree and undertake to lift the paddy and to pay all the costs, charges and expenses they were liable to pay not only for the paddy but also on account of the delay in lifting the same including the interest and late delivery charges. The petitioners' state that this amount be treated as their bid in the re-auction. It is accordingly so ordered. The petitioners shall also tender their bid with the authorities.

2. In the event of the petitioners' bid not being highest, the respondents shall be at liberty to sell the stock to the successful bidder and all the rights and contentions of the parties on account of the petitioners' failure to lift the stock are kept open. In the event of the petitioners' bid as recorded in this order being the highest, the petitioners shall be entitled to lift the stock but subject to their making the entire payment within one week of the respondents informing them in writing of the amount payable by them. In that event, the petitioners security deposited would be adjusted against the bid amount. However, in the event of the petitioners thereafter failing to pay the amount within one week, the respondents would be at liberty to confirm the bid in favour of the next highest bidder and to enter into a contract with them and further in that event all the rights of the respondents against the petitioners shall be kept open.

Writ petition is accordingly disposed of.

A copy of the order be given *dasti* to learned counsel for the petitioner under the signatures of the Bench Secretary.

(S.J.VAZIFDAR)
ACTING CHIEF JUSTICE

(RAJ RAHUL GARG)
JUDGE

21.02.2015
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