

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CWP No.25953 of 2015 (O&M)  
Date of Decision: 11.12.2015

M/s Shri Mahavir Cattle Feed Industries

--Petitioner

Versus

Food Corporation of India & others

--Respondents

**CORAM:- HON'BLE MR.JUSTICE S.J. VAZIFDAR.  
HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.**

Present:- Mr. Sanjiv Gupta, Advocate for the petitioner.

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**S.J. VAZIFDAR, A.C.J. (Oral)**

The petitioners have challenged the decision of the respondents to forfeit the earnest money deposited by them. The petitioners were awarded a contract for the sale of damaged food grains. Considering the nature of the food grains strict conditions were stipulated about the manner and mode of the utilization thereof. It was provided for instance that the material would be used only for the purpose indicated in the tender namely wheat of a certain category was to be used only for the purpose of animal feed. Wheat of another category was to be used for processing the poultry feed. Other goods were to be used for various other purposes such as industrial use and as manure. Moreover, utilization certificates were to be provided.

2. A show cause notice dated 23.9.2011 was issued alleging that the petitioner had committed a breach of various terms and conditions. The petitioner replied to the same. The impugned order was passed after affording the petitioner an opportunity to respond to the show cause notice.

A mere perusal of the detailed order establishes that there are several

seriously disputes questions of fact. It is not possible to consider them in a petition filed under Article 226 of the Constitution of India. The petitioner must adopt appropriate proceedings for the recovery of his dues.

3. The writ petition is, accordingly, disposed of.

**(S.J. Vazifdar)**  
**Acting Chief Justice**

**(Tejinder Singh Dhindsa)**  
**Judge**

**11.12.2015**  
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