

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

LPA No. 1350 of 2015 (O&M)

DATE OF DECISION : 16.09.2015

Punjab State Warehousing Corporation, Chandigarh

.... APPELLANT

Versus

Gurmit Singh and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present : Mr. Vikas Singh, Advocate,
for the appellant.

Ms. Jagdeep Bains, Advocate,
for the caveator/respondent No.1.

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SATISH KUMAR MITTAL, J. (Oral)

Punjab State Warehousing Corporation, Chandigarh has filed this appeal under Clause X of the Letters Patent against the interim order dated 26.08.2015 passed by the learned Single Judge in Civil Writ Petition No. 9351 of 2012 filed by Gurmit Singh (respondent No.1 herein); as well as the order dated 03.09.2015 passed in CM No. 11558-CWP of 2015 in the aforesaid writ petition.

The interim order dated 26.08.2015 reads as under :-

“Learned State counsel submitted that State has taken a decision to release ₹ 6 crores per month to the Punjab State Warehousing Corporation. Such a decision was taken on

11.8.2015. The State is directed to release ₹ 6 crores per month w.e.f. 1.10.2015. The amount received by the Warehousing Corporation shall be released to the petitioners in partial. Such payment should be made after receipt of the money from the State within 15 days thereafter.

List this matter on 7.10.2015.

At this stage, it is learnt that State has released ₹ 6 crore for the month of August, 2015 to the Punjab State Warehousing Corporation. When things stood thus, the third respondent has failed to make submission in receipt of ₹ 6 crore. Thus, the third respondent-Warehousing Corporation is directed to release 25% of the dues to the petitioners within a week from today failing which the Warehousing Corporation is liable to pay cost of ₹ 10,000/- to each of the petitioners. The Managing Director of Punjab State Warehousing Corporation is present today in the Court. He has taken note of the aforesaid order. He should take necessary action to see that the amount is paid to each of the petitioners. The presence of Managing Director is dispensed with on the next date of hearing. Copy of this order is made available to the Senior Standing counsel for third respondent-Warehousing Corporation immediately.

A photocopy of this order be placed on the files of other connected cases.”

The aforesaid order was modified by the learned Single Judge vide order dated 03.09.2015, which reads as under :-

“This application under Section 151 of the Code of Civil Procedure has been filed by the applicant for recalling order dated 26.08.2015.

Notice of the application.

Ms. Jagdeep Bains, Advocate, Mr. Anshul Gupta, AAG, Punjab and Mr. B.R. Bansal, Advocate accept notice on behalf of non-applicants.

Both the counsels for the State as well as for the Corporation submitted that the State has released ₹ 6 crores to the Corporation on 02.9.2015 and the same was received by the Corporation today.

In view of these development, the earlier order dated 26.08.2015 is modified to the extent that respondent-Corporation has to comply with the order dated 26.08.2015 within a period of two weeks from today.”

After hearing learned counsel for the appellant, we do not find any ground to interfere with the aforesaid orders passed by the learned Single Judge. Vide order dated 26.08.2015, on a statement made by learned State counsel that the State has decided to release ₹ 6 crores per month to the appellant Corporation, the appellant Corporation was directed to release 25% of the dues to the petitioner in the writ petition (respondent No.1 herein) within a week from the date of the order, after receiving the amount from the State. Subsequently, vide order dated 03.09.2015, the aforesaid order dated 26.08.2015 was modified to the extent that the aforesaid time was extended to the period of two weeks from the date of the order, i.e. 03.09.2015.

As far as the appellant Corporation is concerned, it has been directed to make payment only in case it receives the grant from the State.

Therefore, the obligation on the appellant Corporation to make the payment arises only if it gets the amount from the State. We are of the opinion that the appellant Corporation has no grouse. However, any payment made by the appellant Corporation shall be subject to the final outcome of the writ petition.

As a one time measure, we extend the time to make payment in terms of the impugned order for one week from today.

Appeal is, thus, disposed of in the aforesaid terms.

(SATISH KUMAR MITTAL)
JUDGE

September 16, 2015
ndj

(MAHAVIR S. CHAUHAN)
JUDGE