

CWP-3892-2013 (O&M)

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

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**CWP-3892-2013 (O&M).
Decided on: February 13, 2017.**

Jai Pal and Company and another

.. Petitioner(s)

VERSUS

Market Committee, Phillaur and others.

.. Respondent(s)

*** * ***

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

*** * ***

**PRESENT Mr.J.C.Batra, Advocate,
for the petitioners.**

**Mr.I.S.Sidhu, Advocate,
for respondent no.1.**

**Mr.A.S.Virk, Advocate,
for respondent no.2.**

**Mr.P.L.Singla, Advocate, for
respondent no.3.**

M.M.S. BEDI, J. (ORAL)

The petitioner has sought a writ/direction for quashing order dated 22.11.2012, Annexure P4, and letter dated 26.10.2012, Annexure P5, written by respondent no.1 informing that M/s Jaipal and Company, Grain Market, Phillaur has issued J forms to respondent no.3 Boota Singh for purchase of wheat for the period from 26.4.2011, 27.4.2011 and 29.4.2011, on account which the total amount comes to

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Rs.4,12,988/- for which the firm had not made the due payment. Respondent no.3 had brought the same to the notice of the Principal Secretary to the Chief Minister, Punjab on 12.10.2012 and the Principal Secretary had ordered to take immediate action in the matter, as such, the licence of the firm had been cancelled for 9 days by the Secretary of the Market Committee, Phillaur and even then no payment has been given to respondent no.3 Boota Singh for the crops.

It was informed that during Kharif season, 2012, the said firm was allocated to the Markfed and that the entire produce which was brought to the premises of above said firm was purchased by the petitioner. Respondent no.2 was directed not to release the payment of Haari season to M/s Jai Pal and Company, Grain Market, Phillaur till the amount is paid to respondent no.3. The intimation was given to M/s Jai Pal and Company, Grain Market, Phillaur, to make the payment to respondent no.3, within 8 days from the receipt of the said letter.

Counsel for respondent no.1, Market Committee, Phillaur, has placed on record a letter dated 16.3.2016, issued by the Senior Branch Manager, Markfed, Phillaur, informing respondent no.1 that payment of Rs.1,61,601/- has already been made to Jai Pal and Company, Commission Agent, Phillaur.

In view of the amount having been released to the petitioner, this petition has become infructuous.

Counsel for respondent no.3 submits that the claim of respondent no.3, has not been satisfied.

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I have considered the said contention. Since the amount has already been released by the Markfed-respondent no.2, respondent no.3 would be entitled to receive the amount due to him from the petitioner in accordance with law. He would also be entitled for adjustment of any amount as the amount in dispute appears to be in context to the crop year 2011.

Disposed of as having rendered infructuous without prejudice to the right of respondent no.3.

(M.M.S. BEDI)
JUDGE

February 13, 2017.

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Whether speaking / reasoned
Whether reportable:

Yes / No
Yes / No