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

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**Civil Writ Petition No.4956 of 2015
Date of Decision: October 31, 2017**

Baljeet Singh

...Petitioner

versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. H.C. Arora, Advocate for the petitioner.

Mr. Sandeep Moudgil, Addl. A.G., Haryana.

Mr. K.K. Gupta, Advocate for respondent No.3-FCI.

Mr. Sourabh Goel, Advocate for respondent No.4.

Mr. Arvind Seth, Advocate for respondent No.5.

Mr. Anil Kumar Rana, Advocate for
Mr. Lokesh Sinhal, Advocate for respondent No.6.

Mr. Johny Vid, Advocate for
Mr. Lek Raj Sharma, Advocate for respondent No.7.

AJAY KUMAR MITTAL, J. (Oral)

The petitioner has filed the instant writ petition by way of public interest litigation under Articles 226/227 of the Constitution of India, seeking a writ in the nature of mandamus directing the respondents to abolish the system of storing foodgrains/wheat on covered plinths in order to prevent national wastage of such

foodgrains/wheat, inter alia, on the grounds that the huge stocks of damaged wheat are presently stored with the procurement agencies in Haryana which reveals that in almost all these cases, food grains/wheat have been stored on open godowns/covered plinths, which are prone to vagaries of nature. Further prayer has also been made to direct the respondents to evolve some effective and satisfactory method to sell the damaged stock of wheat.

2. In response to notice of motion, in addition to the written statement dated 22.05.2015 of Sh. Ajay Nagpal, Assistant General Manager (Quality Control), Regional Office, Haryana, Food Corporation of India, Panchkula filed on behalf of respondent No.3, an affidavit dated 23.10.2017 of Sh. Gurmail Singh, Assistant General Manager (Quality Control), Food Corporation of India, Regional Office, Haryana, Panchkula on behalf of respondent No.3, in compliance of order dated 07.09.2017 passed by this Court has been filed, which is already on record. In Para Nos.2 to 4 of the aforesaid affidavit, it has been stated thus:-

“That during the intervening period i.e. till date, no food grains stock of FCI in Haryana has been deteriorated/damaged. The FCI has not stored any wheat stocks under CAP/Open storage in the State of Haryana during the Rabi Marketing Season 2017-18. the entire wheat stock stored under CAP storage by State Agencies has already been taken over/liquidated and there is no grain under CAP storage as on 30.09.2017. The Ministry of Consumer Affairs, Food

and Public Distribution vide its letter no.9-58/2015-SG dated 12.04.2017 has issued instructions to all concerned to discontinue the CAP storage of food grains from the next year i.e. Rabi Marketing Season 2018-19.

3. That wheat is procured by the FCI as well as by the State government and its procuring agencies. Till the movement/liquidation of the stock by the FCI to the consuming states as per their requirement/movement plan, is to be stored and preserved by the concerned State procuring agencies and all its expenses called as carry over charges are paid by the Government of India through the FCI. For ready reference of this Hon'ble Court the policy guidelines of the Government of India under Clause 2.1 is reproduced as under:-

“2.Systems of procurement:

2.1 Wheat- FCI undertakes direct procurement in non-DCP states. In the major procuring states like Punjab and Haryana, wheat is mainly procured by state agencies and they preserve the stocks under their custody for which carry-over charges are paid to them. FCI takes over the stocks for dispatch to consuming states as per requirement/movement plan. Payments are made to state govt./agencies as per cost sheets issued by Government of India after taking over the stocks. In the states like UP and Rajasthan, the wheat procured by state agencies is immediately taken over by FCI for storage/dispatch.

In DCP state like M.P., wheat is procured by the State agencies and only the surplus wheat stocks over & above the State's requirement under

TPDS/NFSA and other Welfare Schemes are taken over by FCI for dispatch to other consuming regions.”

4. That so far as the stock of the rice is concerned, the same is always being stored in covered godowns and preserved in the approved scientific manner by the FCI/nodal agency. The State agencies also deliver the entire quantity of the rice to the FCI immediately on milling, in Haryana.”

3. Learned counsel for State of Haryana has also filed an affidavit dated 17.10.2017 of Dr. Yash Garg, Director, Food, Civil Supplies & Consumer Affairs Department, Haryana on behalf of respondent No.2 which is also to the similar effect.

4. In view of the stand taken by the Food Corporation of India as well as by the State of Haryana, learned counsel for the parties are ad idem that the present writ petition has been rendered infructuous and prayed that the same may be disposed of as such.

5. Ordered accordingly.

(AJAY KUMAR MITTAL)
JUDGE

(AMIT RAWAL)
JUDGE

October 31, 2017
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Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No