

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

(210)

**CWP-9076-2014 (O&M)
Decided on: May 17, 2017.**

Rajinder Singh and others

.... Petitioners

Versus

State of Punjab and others

..... Respondents

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

Present: Mr. Harinder Sharma, Advocate, for the petitioners.

Ms. Anu Pal, AAG, Punjab.

Mr. Sanjeev Sharma, Advocate, for respondents No. 2 & 3.

Ms. Geeta Sharma, Advocate, for respondents No.5 and 6.

Mr. Deepak Sabharwal, Advocate, for respondents No. 7 & 8.

Mr. Rakesh Gupta, Advocate, for respondents No. 9 & 10.

Mr. Sumeet Goel, Advocate, for respondent No.13.

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

This is a writ petition for issuance of a declaration that respondents No. 1, 4 to 10 and their lifting agents/contractors are bound to lift the stocks of the petitioners lying in Mandis within 72 hours from the purchase in order to avoid liability of weight loss, wear and tear of the bags, theft and the other damages.

Since the petitioners have filed the present petition pertaining to the crop year 2014 which has already been lifted, the petition has rendered infructuous but learned counsel for the petitioners submits that as the stocks had been lifted 2/3 months after the expiry of 72 hours, the petitioners are entitled to the damages.

I have heard learned counsel for the petitioners at length in order to prima facie determine the loss, if any, caused to the petitioners. On account of any liquidated damages having not been claimed by the petitioners, it will not be appropriate for this Court to grant any compensation, at this stage.

This petition is disposed of with the observation that the respondents will adhere to the regulation of lifting of the paddy/wheat within the period prescribed under the rules and in case of commission of any breach of legal commitment, the petitioners will be entitled to claim damages if any specific loss is caused to them.

(M.M.S. BEDI)
JUDGE

May 17, 2017
harsha

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No