

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

(119)

CWP-2908-2017

Decided on: February 15, 2017.

M/s Shiva Traders

.... Petitioner

Versus

Union of India and others

..... Respondents

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

Present: Mr. Shiv Kumar Goyal, Advocate, for the petitioner.

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

The petitioner is a rice mill. He seeks issuance of a writ in the nature of mandamus directing respondents No. 5 and 6 to settle the claim of the petitioner-mill in respect of 'B' class and 'C' class surplus gunny bags retained by the petitioner-mill after custom milling of paddy stored by respondents No. 5 and 6 in the mill premises of the petitioner during the crop year 2006-07 in terms of Clause VI of the guidelines dated 24.05.2013 (Annexure P-9) issued by Government of India and for a writ of mandamus directing the above said respondents to refund the excess amount so charged for 'B' and 'C' class gunnies in violation of above said guidelines dated 24.05.2013 in the crop year 2006-07 along with interest.

Without expression of any opinion regarding the maintainability of the petition or right of the petitioner to claim the said amount, it is sufficient to observe here that the petitioner has already submitted a representation to the District Manager, PUNSUP, District Office, Ludhiana on 28.12.2016 vide Annexure P-17 sent by registered post.

Learned counsel for the petitioner claims that the said representation has not been decided, as such, prejudice is being caused to the petitioner.

Learned counsel for the petitioner, at this stage, submits that the petitioner will be satisfied in case representation Annexure P-17 dated 28.12.2016 is disposed of by the District Manager, PUNSUP, District Office, Ludhiana by passing a speaking order taking into consideration the pleas taken in the said notice.

Without expression of any opinion on merits of the case, this petition is disposed of with a direction to the District Manager, PUNSUP, District Office, Ludhiana to consider the representation Annexure P-17 dated 28.12.2016. The petitioner will approach the above said authority within a period of 15 days along with copy of notice dated 28.12.2016 (Annexure P-17) with a request for disposal of the said notice along with copy of the writ petition containing Annexure P-17 and certified copy of the order. In case of petitioner doing so, the claim of the petitioner will be decided within a period of two months, thereafter, by passing a speaking order. In case, the petitioner does not approach the District Manager, PUNSUP, District Office, Ludhiana, this petition will be deemed to have been dismissed.

It will be the responsibility of the petitioner to communicate the order to the above said authority.

(M.M.S. BEDI)
JUDGE

February 15, 2017
harsha

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No