

In the High Court of Punjab and Haryana, at Chandigarh

Letters Patent Appeal No. 1503 of 2016 (O&M)

Date of Decision: 21.02.2017

General Manager, Food Corporation of India and Others

... Appellant(s)

Versus

M/s Satkartar Enterprises and Others

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Mahesh Grover.
Hon'ble Mr. Justice Shekher Dhawan.**

Present: Mr. Krishan Kumar Gupta, Advocate
for the appellants.

Mr. Rajbir Singh, Advocate
for respondent No.1.

Mr. Gaurav Garg Dhuriwala, DAG Punjab
for respondents No.2 & 3.

Ms. Suman Devi Saxena, Advocate
for Ms. Deepali Puri, Advocate
for respondent No.4.

Mr. Pankaj Gupta, Senior Panel Counsel
for Union of India.

Mahesh Grover, J.

This appeal is directed against the judgment of learned Single Judge dated 28.6.2016. The appellants, as Food Corporation of India, have urged before this Court that they are unable to comply with the orders of the learned Single Judge in view of the constraints of the policy governing the milling of rice. According to them, the concerned millers have to supply them rice by 31.3.2016 and thereafter by 31.5.2016 with interest and penalty and beyond this period, they are unable to accept any rice from the millers.

Notice was also issued to the Union of India, who has stated in paras No.4 & 5 of the reply that if the State Government makes a concession in exceptional cases, then they are enabled to take a decision for acceptance of rice but not later than 31.12.2016.

We noticed from the impugned judgment that the learned Single Judge accepted the unilateral claim put forward by the millers without taking into account the considerations/objections of the appellants, which, in turn, are founded purely on the policy issued from year to year and governs the procurement and supply of paddy/rice. We are, thus, of the opinion that the appellants are being virtually saddled with the liability without taking into consideration their concerns. We, therefore, set aside the impugned order and remit the matter back to the learned Single Judge for decision afresh by taking into consideration the stand of the appellants. The Registry is directed to list the writ petition for hearing before the learned Single Judge as expeditiously as possible.

The instant appeal stands allowed.

(Mahesh Grover)
Judge

(Shekher Dhawan)
Judge

February 21, 2017

“DK”

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