

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

RSA No.1000 of 2017 (O&M)

Date of Decision: 09.11.2017

Punjab State Civil Supplies Corporation
Limited, Chandigarh and another

. . . Appellants

Versus

Satpal Singh

. . . Respondent

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Aman Sharma, Advocate
for the appellants.

Ajay Tewari, J. (Oral)

This appeal has been filed against the concurrent judgments of the Courts below dismissing the suit of the appellants whereby they sought recovery of Rs.27,48,487/-, imposed upon respondent.

The respondent was Incharge of a godown where wheat of 2001-02, was stocked in open plinth. In the year 2004, it was discovered that the wheat become damaged and was ultimately auctioned in the year 2006. The appellants had sought to recover the differential loss from the respondent which had been challenged by him. Both the Courts found that Corporation failed to adduce evidence that there was misappropriation by respondent for looking after the stock. During the trial the allegation of misappropriation was not pressed and the amount was sought by alleging that the respondent had been negligent in performing his duties. Both the

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Courts below noticed that the year 2001-2002 had been a year of unseasonal heavy rain, as a result of which wheat which had been procured was damaged from the beginning and was declared as 'luster-lost' and that is why the FCI had rejected it. The Courts below also found that there were just blanket allegations of negligence without there being any specificity. The Courts below also found that the appellant itself should have known that as per its own instructions open storage of wheat for more than one year was not permitted. The Courts below also noticed that it took two years for the appellant to ultimately auction the wheat after the report had surfaced in the year 2004. It was on these considerations that the Courts below found that neither the negligence of respondent could be established nor the amount which he may have been liable to pay worked out and dismissed the suit.

Learned counsel for the appellants has not been able to show how the findings are not correct.

Dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

[AJAY TEWARI]
JUDGE

November 09, 2017.

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Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No