

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

1. **CWP No.19723 of 2017**  
**Date of Decision:-06.08.2018**

M/s Swami Agro Industries

...Petitioner

Versus

Union of India and others

...Respondents

2. **CWP No.21348 of 2017**

M/s Satkartar Rice Mills

...Petitioner

Versus

Union of India and others

...Respondents

3. **CWP No.22813 of 2017**

M/s Rashi Foods

...Petitioner

Versus

Union of India and others

...Respondents

4. **CWP No.22770 of 2017**

M/s Samra Industries

...Petitioner

Versus

Union of India and others

...Respondents

5. **CWP No.21345 of 2017**

M/s Vij Agro Exports Pvt. Ltd.

...Petitioner

Versus

Union of India and others

...Respondents

6. **CWP No.21346 of 2017**

M/s Nauhria Rice & General Mills

...Petitioner

Versus

Union of India and others

...Respondents

7. **CWP No.21347 of 2017**

M/s Nauhria Rice & General Mills

...Petitioner

Versus

Union of India and others

...Respondents

8. **CWP No.22599 of 2017**

M/s Vishnu Agro Industries

...Petitioner

Versus

Union of India and others

...Respondents

9. **CWP No.22814 of 2017**

M/s K.L. Sons

...Petitioner

Versus

Union of India and others

...Respondents

10. **CWP No.22815 of 2017**

M/s Shivalik Gram Udyog Samiti (Regd.)

...Petitioner

Versus

Union of India and others

...Respondents

11. **CWP No.22066 of 2017**

Shiv Shakti Rice Mill

...Petitioner

Versus

Union of India and others

...Respondents

**CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN**

Present:- Mr. Daman Dhir, Advocate  
for the petitioner(s) (in CWP Nos.19723, 21345, 21346, 21347, 21348, 22813, 22599, 22814, 22815 and 22770 of 2017).

Mr. P.S. Bhinder, Advocate for  
Mr. J.P.S. Sidhu, Advocate  
for the petitioner(s) (in CWP No.22066 of 2017).

Mr. Jitender Nara, Advocate  
for respondent No.1-UOI (in all the petitions).

Mr. Karan Singla, Advocate  
for the respondent Nos.3 and 4 (in CWP Nos.19723 and 22813 of 2017).

Mr. Rajesh Garg, Sr. Advocate with  
Mr. Sandeep Kumar, Advocate  
for respondent-FCI.

Mr. S.S. Bedi, Advocate  
for respondent-Punjab State Warehousing Corporation.

Mr. Harsimran Singh Sethi, Advocate  
for respondent Nos.4 and 5 (in CWP No.22066 of 2017).

Mr. Aman Sharma, Advocate for  
Mr. Athar Ahmed, Advocate  
for respondent Nos.6 & 7 (in CWP Nos.22815 of 2017 and  
for respondent Nos.5 & 6 in 22814 of 2017).

Ms. Deepali Puri, Addl.A.G. Punjab.

**JITENDRA CHAUHAN J.(Oral)**

The aforementioned batch of eleven petitions are being decided  
by way of common judgment as these involve common questions of law and

facts in the matter.

Learned counsel for the petitioner(s) refers to Clause 18 (e) of the Custom Milling Policy 2012-13 (Annexure P-1) of the Punjab Government, Department of Food, Civil Supplies & Consumer Affairs (Rice Procurement Branch), and contends that if the delivery has been made within the extended date allowed by the Government, no interest is chargeable, whereas, Mr. Rajesh Garg, learned senior counsel for respondent-FCI submits that there was no paucity of space with the FCI and sufficient space was available as per record of the movements of food stocks. The extension sought by the Government of Punjab was general in nature.

This is a disputed question of fact, which this Court feels, can be gone into by the Arbitrator, therefore, the petitioner(s) are relegated to appear before the Arbitrator in terms of the view taken by the Court in CWP No.20885 of 2016, decided on 04.10.2016.

Disposed of.

Photocopy of this order be placed in the files of connected cases.

August 06, 2018  
Vijay Asija

**( JITENDRA CHAUHAN )**  
**JUDGE**

Whether speaking/reasoned  
Whether Reportable

Yes / No  
Yes / No