

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.1047 of 2017(O&M)

Date of Decision: 20.03.2018

Punjab State Warehousing Corporation & anr.

... Appellants

Versus

M/s Faqir Chand Madan Lal Grain
Merchants and Commission Agents

... Respondent

CORAM:- HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Karan Singla, Advocate,
for the appellants.

RAMENDRA JAIN, J.(Oral)

Defendant-Corporation has filed this second appeal against judgment and decree dated 11.11.2016 of the First Appellate Court, dismissing its appeal against the judgment and decree of the trial Court dated 21.02.2015, whereby suit of the respondent-plaintiff for recovery of a meagre amount of ₹1,26,277.32 was decreed along with future interest @ 8% from the date of filing of the suit till realization.

Briefly stated, the appellant-Corporation in the year 2006-2007 purchased wheat from the respondent-plaintiff firm amounting to ₹64,11,343.32 and while making payment of ₹63,19,724/- deducted an amount of ₹81,997.32 towards alleged shortage of foodgrain without issuing any show cause notice to the respondent-plaintiff. Consequently, the respondent-plaintiff filed a suit for recovery of ₹1,26,277.32, which includes ₹81,997.32 as principal amount and ₹44,280/- towards interest.

The trial Court after holding trial decreed the suit in toto vide judgment and decree dated 21.02.2015.

Being aggrieved, the appellant-Corporation filed an appeal before the First Appellate Court, but remained unsuccessful as its appeal was

dismissed.

Heard.

Admittedly, no show cause notice was given to the respondent-plaintiff firm before making the deduction of ₹81,997.32 towards alleged shortage of foodgrain.

This arbitrary action of the appellant-Corporation has rightly been declared illegal by both the Courts below. Even otherwise, no question of law muchless substantial has been raised or arise for consideration in this appeal. Therefore, the same is not maintainable.

It is worth mentioning here that every year deductions are made on such like grounds of short supply of the foodgrain by the appellant-Corporation and other procurement agencies of the Government like FCI without any basis and issuing any show cause notices. Such practice is liable to be deprecated. Much is required to be said against above conduct of the appellant-Corporation and other procurement agencies of the Government like FCI, but this Court refrain its hands at this stage to make any comment upon the same.

I have gone through the impugned judgments of the Courts below and found no illegality or perversity in the same. Even otherwise, learned counsel for the appellant has not been able to point out any infirmity or perversity in the same.

In this view of the matter, the appeal fails and is dismissed.

20.03.2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No