

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

1. CWP-21716-2016
Date of decision: 11.3.2019

M/s Balaji Agro Industries ...Petitioner

Versus
Union of India and others ...Respondents
2. CWP-22616-2016

M/s Gandhi Rice Mill ...Petitioner

Versus
Union of India and others ...Respondents
3. CWP-25892-2016

M/s Shiv Shankar Rice Mill ...Petitioner

Versus
Union of India and others ...Respondents
4. CWP-21836-2016

Jai Bharat Rice Mills ...Petitioner

Versus
Union of India and others ...Respondents
5. CWP-22826-2016

M/s Ganpati Rice & General Mills ...Petitioner

Versus
Union of India and others ...Respondents
6. CWP-26650-2016

M/s Peppsui Rice Traders ...Petitioner

Versus
Union of India and others ...Respondents
7. CWP-26651-2016

M/s Johri Rice Gram Udyog Samiti, Samana ...Petitioner

Versus
Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr.Daman Dhir, Advocate and
Ms.Raman Dhir, Advocate for the petitioner(s)
in CWP-21716, 25892, 22826-2016

None for the petitioner(s) in CWP-22616-2016

None for the petitioner(s) in CWP-21836, 26650, 26651-2016

Mr.Rajesh Garg, Sr. Advocate with
Ms.Nimrata Shergill, Advocate for respondent Nos.1 & 2
in CWP-21716, 25892, 21836, 26650, 26651 & 22826-2016
for respondent Nos.1& 6 in CWP-22616-2016

Ms.Maloo Chahal, DAG, Punjab
for respondent Nos. 2 and 3 in CWP-22616-2016
for respondent Nos. 3 and 4 in CWP-21716, 25892,
26651, 26650, 22826 & 21836 of 2016

None for respondent Nos. 4 and 5 in CWP-22616-2016

Mr.GS Sullar, Advocate
for respondent Nos. 5 and 6 in CWP-22826-2016

Mr.ADS Jattana, Advocate for respondent Nos. 5 and 6
in CWP-26650-2016

Ms.Harjeet Kaur, Advocate for
Ms.Deepali Puri, Advocate for respondent Nos. 5 and 6
in CWP-21836-2016

Mr.MS Batth, Advocate for respondent Nos. 5 and 6
in CWP-26651-2016

None for the respondent Nos. 5 and 6 in CWP-25892-2016

JITENDRA CHAUHAN, J.

This judgment shall dispose of a batch of seven petitions in
which common questions of law and facts are involved. For the sake of

brevity, the facts have been taken from CWP-21716-2016.

In CWP-26651-2016, reply has been filed on behalf of respondent Nos. 5 and 6 in the Court today. The same is taken on record.

Learned counsel for the petitioner(s) refers to Clause 18(c) 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 the delivery had been made within the extended date allowed by the Government, therefore, no interest was chargeable, whereas, Mr.Rajesh Garg, learned senior counsel for respondent- Food Corporation of India 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.

Considering the Arbitration Clause in the agreement and the nature of issue involved, the Court is inclined to relegate the matter to the Arbitrator. Ordered accordingly.

The parties are directed to appear before the Arbitrator in terms of the view taken by the Court in CWP-20885-2016 decided on 4.10.2016.

Disposed of.

Photocopies of this order be placed on the file(s) of the connected case(s).

11.3.2019
gsv

[**JITENDRA CHAUHAN**]
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No