

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

CWP-21666-2018

Date of decision: 18.9.2019

M/s Vohra Trading Company, Faridkot Road, Guruharsahai

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: None for the petitioner

None for respondent Nos. 1 and 6

Mrs.Anju Arora, Addl.AG, Punjab
for respondent Nos. 2, 4 and 5

Mr.Rajesh Garg, Sr. Advocate with
Ms.Nimrata Shergill, Advocate for respondent No.3

JITENDRA CHAUHAN, J.

This writ petition under Articles 226/227 of the Constitution of India has been filed for issuance of direction to respondent Nos.4 and 6 to refund the amount of Rs.6,42,528/ charged from the petitioner as interest due to late delivery of rice.

On the last date of hearing, none had caused representation on behalf of the petitioner. Today also the situation is the same.

Learned senior counsel for respondent No.3 states that the identical issue stands settled by this Court in CWP-19723-2017.

Heard.

The relevant part of the judgment dated 6.8.2018, passed in CWP-19723-2017 reads as under:-

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.

The present petition stands disposed of in terms of the aforesaid judgment.

18.9.2019
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No