

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

CWP No.6859 of 2020 (O&M)

Date of Decision:17.03.2020

M/s Shiv Shankar Rice Mills and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Daman Dhir, Advocate for the petitioners.

TEJINDER SINGH DHINDSA J.(Oral)

Both the petitioners are rice millers.

A writ of mandamus has been sought to the concerned State Procurement Agency to reimburse/refund the amount in question on account of usage of B-Class gunny bags of crop years 2015-2016 during crop years 2016-2017.

Counsel has submitted that the petitioner-mills were allotted custom milling paddy during the crop year 2015-2016 and were allocated to PUNSUB. The claim raised in the instant petition pertains to crop years 2015-2016 and 2016-2017 as left over gunny bags pertaining to crop years 2015-2016 were used by Punjab Agro Food Corporation and PUNGRAIN during the crop years 2016-2017 for procurement of paddy.

To be specific, counsel has submitted that during the crop years 2016-2017 petitioner No.1-rice mill was allotted to Punjab Agro Food Corporation and surplus gunny bags to the tune of 33057 were taken back from it pertaining to crop years 2015-2016. Likewise, petitioner No.2 was allotted to PUNGRAIN and 39955 bags were taken back from it for reuse.

Counsel asserts that the petitioner mills are entitled to reimbursement towards re-usage of the B/C Class gunny bags.

At this stage counsel makes a submission that he would be satisfied, if the writ petition were to be disposed of with a direction to the concerned authorities to examine the claim against the backdrop of a legal notice that has already been served.

Submission made by counsel is found to be just and reasonable.

Without even ascertaining the correctness of the averments made in the petition and without opining on the merits of the claim, instant writ petition is disposed of with a direction to the respondents to examine claim of the petitioners in the light of legal notice dated 24.08.2019 (Annexure P-12) and to take a decision thereupon expeditiously and in any case within a period of two months from the date of receipt of the certified copy of this order.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

March 17, 2020

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Whether speaking/reasoned ? : Yes/No

Whether reportable ? : Yes/No