

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

109

CM-8303-CWP-2020 in/and
CWP-10413-2020

Date of Decision: 28.8.2020

M/s Aay & Aay Associates and others

...Petitioners

Versus

Food Corporation of India and others

...Respondents

**CORAM:- HON'BLE MR. JUSTICE RAJAN GUPTA.
HON'BLE MR. JUSTICE KARAMJIT SINGH.**

PRESENT: Mr. D.S. Patwalia, Senior Advocate with
Mr. G.S. Patwalia, Advocate for the petitioners.

Mr. K.K. Gupta, Advocate for respondent No.1.

Ms. Deepali Puri, Advocate for respondents No.2 and 3.

RAJAN GUPTA, J. (Oral)

Case has been heard through Video Conferencing in view of
COVID-19 Pandemic.

CM-8303-CWP-2020

This is an application for placing on record rejoinder to the
reply filed by respondents No.2 and 3.

Application is allowed and rejoinder is taken on record.

CWP-10413-2020

During the course of hearing, reference has been made to the
Minutes of Meeting of State Level Committee dated 12.8.2020 (Annexure
R-2/6) for construction of CAP in the State of Punjab. Para 2 thereof reads
as under:-

“2. The CAP capacities which were completed/offered by
the bidders in stipulated time and were found to be

complete in all respects on final inspection by the designated committee, will be hired on guarantee basis for a period of three years from the date of 100% utilization, if the same occurs by 13.08.2020. Further, CAP capacities, which are offered within stipulated time limit and found to be complete in all respects but are not 100% utilized by 13.08.2020 due to various reasons as detailed in attached sheet, they will be hired on AUB till their 100% utilization during RMS 2021-22 and their guarantee period of 3 years will start from the date of 100% utilization during RMS 2021-22 only.

Provided that in case of plinths which are offered beyond stipulated date or found incomplete at the time of final/ completion level inspection by the designated committee but are found to be complete to the satisfaction of the designated committee subsequently and also get 100% utilized by 13.08.2020, the guarantee period would also be reduced corresponding to the delay in construction.”

Ms. Deepali Puri submits that the terms are acceptable to her.

Similar is the stand of Mr. Patwalia and Mr. Gupta.

Ms. Deepali Puri undertakes to take steps to ensure that lease deed is executed within ten days.

In view of above, no further adjudication is necessary. Petition is hereby disposed of.

(RAJAN GUPTA)
JUDGE

August 28, 2020
gbs

(KARAMJIT SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No