

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

CWP No.12890 of 2020
Date of decision:27.08.2020

M/s Shri Balaji Traders and others Petitioners.

Versus

State of Punjab and others Respondents...

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr. Daman Dhir, Advocate and
Ms. Raman Dhir, Advocate,
for the petitioners.

Ms. Lavanya Paul, AAG, Punjab,
for respondents No.1 and 2.

Mr. Gurinderjit Singh, Advocate,
for respondent No.3-FCI.

Ms. Deepali Puri, Advocate,
for respondents No.4 and 6.

SANT PARKASH, J.

*(The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court)*

The petitioners are rice millers. Their grievance is that transportation charges reimbursed to them for Kharif Marketing Season (KMS) 2017-18 as per policy of the Food Corporation of India, are being illegally recovered/deducted against payments due for KMS 2019-20.

Learned counsel for the petitioners has argued that as

per letter dated 31.08.2018, (Annexure P-3), transportation charges for paddy transported against release order directly from mandi to another district, was reimbursable for a maximum of 40 kilometers either as per CMR policy of KMS 2016-17 or letter dated 04.06.2016 whichever was lower. The petitioners had transported paddy against release order upto distance beyond 100 kilometers and accordingly, they were reimbursed @ Rs.22.50 paise per quintal as per clause 7(f)(iv) of CMR 2016-17, Annexure P-5. The reimbursement was for the maximum cap fixed vide letter dated 31.08.2018, Annexure P-3, i.e. 40 kilometers. Now, the said amount is being recovered/deducted against payments due for KMS 2019-20. A detailed representation (Annexure P-10) has been submitted, but no response has been received.

Ms. Lavanya Paul, AAG, Punjab, accepts notice on behalf of respondents No.1 and 2.

Mr. Gurinderjit Singh, Advocate accepts notice on behalf of respondent No.3.

Ms. Deepali Puri, Advocate accepts notice on behalf of respondents No.4 and 6.

In view of the nature of the order being passed, there is no necessity to call upon other respondents, at this stage.

The writ petition is disposed of with direction to respondents No.2 to 4 and 6 to consider and decide the representation (Annexure P-10) and any other supplementary representation, in accordance with law, after hearing the petitioners.

A speaking order shall be passed within a period of six weeks from

the date of receipt of certified copy of this order. This then, no recoveries/deduction be made in respect of aforementioned amount.

(SANT PARKASH)
JUDGE

August 27, 2020
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No