

CWP No.13735 of 2020 (O&M)

-1-

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

CWP No.13735 of 2020 (O&M)

Date of Decision: 14.10.2020

M/s Sidhu Rice Mills

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Kamal Kant, Advocate,
for the petitioner.

Mr. Naveen Chopra, Advocate,
for the respondents no.5 and 6.

Mr. R. K. S. Brar, Addl. A.G. Haryana.

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

By this petition, the petitioner seeks the issuance of a writ in the nature of *certiorari*, quashing/setting aside the impugned order dated 07.08.2020 (Annexure P-9), and the demand orders raised/issued by respondent no.4 (Annexure P-7), being illegal, arbitrary, contrary to the contract (as alleged). The petitioner is also seeking the issuance of a writ in the nature of *mandamus*, directing respondent no.4 to conduct a fresh and fair and impartial inspection-cum-physical verification of the stocks of the rice mill, further seeking a direction to the respondents to not attach his immovable properties and not to freeze his bank accounts.

Learned counsel submits that the last date for delivery of rice has been extended up to 15.10.2020, i.e. tomorrow, and therefore the petitioner may be allowed to deliver the remaining quantity, as remains undelivered, by it.

However, there is a discrepancy in the quantity of rice stated to have been already delivered, as per the petitioner, and as per the counsel for the FCI.

Consequently, the matter will be taken up later in the day, after the counsel for the FCI has taken instructions as to exact quantity of rice already delivered by the petitioner and the quantity still required to be delivered by him, with learned counsel for the petitioner submitting that the last delivery was made on September 29, 2020, which has not been taken into account.

Obviously, learned counsel for the FCI would take instructions with regard to the total rice delivered, including the delivery stated to have been made on 29.09.2020.

XXXX XXXX XXXX XXXX XXXX

The matter has been taken up again in the post lunch session, with Mr. Chopra submitting that he has taken instructions from Mr. S.S. Meena, Manager, FCI, that since the date of the acceptance of rice has been extended to 15.10.2020, the respondent FCI is willing to accept 2310.83 quintals of rice as was found to be short at the time of physical verification of the petitioners' godown on 12.07.2020, which he points out from Annexure R-6/1 with the reply of the respondents, dated 15.09.2020.

He has further submitted that however, the quality of the rice would be naturally subject to verification once it is delivered and that would be a separate issue altogether, as to whether it meets with the standard that it was supposed to, or not.

Mr. Brar, learned Addl. A.G. Haryana, submits that since eventually the States' job is only to verify from time to time the physical stock available with any rice mill, the State would have nothing to say if the FCI is willing to accept the shortfall found by the State on physical verification.

That being so, with the respondent FCI willing to accept the shortfall of 2310.83 quintal of rice by 15.10.2020, obviously it would be appropriate to deliver the rice within the stipulated period and consequently, the petition is allowed in terms of the stand taken by the FCI, with obviously any deviation from the standards of the rice to be considered after the delivery of the rice.

Disposed of as above.

October 14, 2020
dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No