

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101

CWP-4833-2021

Date of decision: 02.03.2021

M/s Waheguru Rice Mills and another

.....Petitioners

versus

Union of India and others

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

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

Mr. Amit Sharma, Advocate for respondent No.1-UOI.

Mr. Nikhil K. Chopra, Additional AG, Punjab
for respondents No.2 to 4.

Mr. Divij Dutt, Advocate for
Ms. Deepali Puri, Advocate
for respondents No.5 & 6.

GIRISH AGNIHOTRI, J. (Oral)

Petitioners-M/s Waheguru Rice Mills and M/s National Rice Mills through their authorised signatory, have jointly filed the present petition *inter alia* with a prayer for issuance of a writ in the nature of mandamus directing the respondents, especially respondents No.5 & 6 to refund the amount of interest charged from the petitioners, which has already been claimed and received by respondents No.5 & 6 from the Food Corporation of India (respondent No.3) on account of so called delayed delivery of rice for Crop Year 2013-14.

At the outset, on a question put by the Court, as to why joint

petition has been filed, counsel for the petitioners makes an oral request to withdraw the petition on behalf of petitioner No.2 with a liberty to file a fresh petition on the same cause of action.

Prayer is accepted. The present writ petition qua petitioner No.2, is dismissed as withdrawn with the liberty as prayed for.

At the outset, learned counsel for the petitioner submits that for the same/similar grievance, the petitioner had got served a legal notice dated 08.12.2020 (Annexure P-18). In the legal notice, it was inter alia submitted that the petitioner was considered for the purpose of allotment of paddy during the Crop year 2013-14 for custom milling of paddy.

It is a pleaded case of the petitioner that the petitioner had completed their milling operations to the satisfaction of the department. It is then submitted that Government of India had extended a period of delivery upto 30.09.2014 as conveyed vide letter dated 29.08.2014 (Annexure P-3). It is then submitted that the petitioner completed the work of custom milling of paddy for the Crop year 2013-14, within the extended period. Learned counsel for the petitioner, however, submits that inspite this, an interest amount of Rs.11,43,190/- (Rupees Eleven lakh forty three thousand one hundred ninety only), has been charged.

Learned counsel for the petitioner then submits that in a similar situation, a petition filed by M/s Guru Nanak Agro Products i.e. CWP No.18851 of 2018 titled as M/s Guru Nanak Agro Products vs. Union of India and others, was decided on 01.08.2018.

Notice of motion.

On asking of the Court, Mr. Amit Sharma, Advocate and Mr. Nikhil K. Chopra, Additional AG, Punjab, accept notice on behalf of respondent No.1-UOI and respondents No.2 to 4 respectively. Mr. Divij Dutt, Advocate for Ms. Deepali Puri, Advocate, accepts notice on behalf of respondents No.5 & 6.

Without commenting upon merits of the case, the present petition is disposed of with a direction to the Competent Authority to decide the legal notice dated 08.12.2020 qua petitioner No.1, as expeditiously as possible, preferably within a period of three months from the date of receipt of certified copy of this order.

Ordered accordingly.

(GIRISH AGNIHOTRI)
JUDGE

02.03.2021
shruti/anju rani

Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No