

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

CWP-20311-2021 (O&M)
Date of decision:- 06.10.2021

Sai Roller Flour Mills

...Petitioner (s)

Versus

Food Corporation of India and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Ashish Verma, Advocate,
for the petitioner.

Mr. Krishan Kumar Gupta, Advocate,
for the respondents.

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

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RAVI SHANKER JHA, C.J. (ORAL)

This petition has been filed by the petitioner being aggrieved by the fact that it has been prohibited vide an e-mail dated 24.09.2021 (Annexure P-11) from lifting wheat, though it has been awarded contract for the same.

It is, however, an admitted fact that the petitioner has already filed an appeal dated 22.09.2021 (Annexure P-10) against the demand notice dated 17.09.2021 (Annexure P-8), as a consequence whereof, the impugned e-mail dated 24.09.2021 (Annexure P-11) was issued. And it is not disputed either that said appeal is pending before the General Manager, Food Corporation of India.

Mr. Krishan Kumar Gupta, learned counsel appearing for the respondent – FCI submits that the alleged appeal is in fact a representation and is being termed and considered as such by the General Manager, Food Corporation of India, who has already taken up the matter and in all probabilities would decide the same today itself.

When confronted with the aforesaid aspect, learned counsel for the petitioner submits that it will pursue the matter with the authorities as also its grievance regarding the e-mail dated 24.09.2021 (Annexure P-11).

In such circumstances and in view of the statement made by learned counsel for the respondent – FCI, we do not find any reason to entertain the present petition which is disposed of with liberty to the petitioner to pursue the remedies prescribed and provided in the contract/terms of the tender. It is made clear that this Court has not expressed any opinion on the merits of the case and, therefore, the authorities would be at liberty to examine the matter keeping all facts and facets into consideration and thereafter accept or reject the same in accordance with law.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

06.10.2021
Amodh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No