

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.13080 of 2018 (O&M)

Date of Decision.17.10.2022

M/s Shree Ganesh Rice Mills and others

...Petitioners

Vs

State of Punjab and others

...Respondents

2. CWP No.13098 of 2018

M/s Shree Ganesh Rice Mills and others

...Petitioners

Vs

State of Punjab and others

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. M.L. Saggar, Senior Advocate with
Mr. Sunny Saggar, Advocate
for the petitioners.

Ms. Deepali Puri, Addl. A.G., Punjab.

Mr. Anil Kumar Sharma, Advocate
for respondents No.2 and 3.

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JAISHREE THAKUR J. (ORAL)

This order of mine shall dispose of both the writ petitions bearing No.13080 & 13098 of 2018 as issue for consideration is identical. For the sake of brevity, the facts have been taken from CWP No.13098 of 2018.

In brief, the facts are that,petitioners approached this Court by way of writ petition under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the order dated 30.07.2015 (Annexure P-11) as passed by respondent No.3 vide which the petitioners have been held liable to pay a sum of Rs.21,84,217/- as on

28.02.2014 and further interest @21% per annum till the date of realization. The petitioner No.1, which is a partnership firm, petitioners No.2 to 5 being its partners, was allotted paddy for milling for the crop year 1995-1996. In terms of the agreement, the petitioner-Firm was to deliver rice weighing 50115.80 quintals, however, the petitioner-Firm delivered excess quantity of rice in the account of respondent No.2, for which it was entitled for cost of the same. An arbitrator was appointed by respondent No.2, who passed an *ex parte* award holding the petitioner-Firm liable to pay an amount of Rs.9,72,596.19 paise. Against the said *ex parte* award, objections were filed and on consideration of the objections, the same was set aside. The claim against the petitioner-Firm was that it was liable to pay transportation charges. The dispute was referred to the Managing Committee, which gave its award. Objections were filed against the said award, which was ultimately withdrawn and the writ petition has been preferred.

During the course of these proceedings, learned counsel appearing on behalf of the PUNSUP-respondent No.2 would submit that in fact, both the writ petitions stand rendered infructuous, as the petitioners themselves have settled the dues for crop year 1994-1995, which is the bone of contention in CWP No.13080 of 2018 and for the crop year 1995-1996 for which CWP No.13098 of 2018 has been preferred. Copy of letter as addressed by PUNSUP dated 17.10.2022 has been furnished in Court and the same is taken on record. As per the said letter, there is a categorical statement that the miller has deposited the due amount and applied for the No Due Certificate, which has been issued for the crop year 1995-1996.

I have heard learned counsel for the parties and the contesting respondents. In view of the fact that the dispute *inter se* parties stand

settled for the crop year 1994-1995 & 1995-1996, as has been stated in letter dated 17.10.2022 as issued by the District Manager, PUNSUP, Ludhiana, no further orders are called for. Both the writ petitions are disposed of as having become infructuous. While disposing of these writ petitions, it is observed that in case any grievance of the petitioners still survives, they would be at liberty to approach this Court afresh.

(JAISHREE THAKUR)
JUDGE

October 17, 2022

Pankaj*	Whether speaking/reasoned	Yes/No
	Whether reportable	Yes/No