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

CWP-14959-2017

Date of Decision: 04.05.2022

M/S AARTI AGROTECH PVT LTD

.... Petitioner

Versus

STATE OF PUNJAB AND ORS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Anurag Chopra, Advocate,
for the petitioner.

Ms. Ambika Bedi, AAG, Punjab.

Mr. APS Mann, Advocate,
for respondent No.3.

JAISHREE THAKUR.J (Oral)

The petitioner herein is aggrieved against the inaction of the respondent-Markfed in releasing the amount of Rs.12,98,230/-, which stands deposited with it under protest.

Learned counsel appearing on behalf of the petitioner would contend that the custom milling policy for the Kharif Marketing Season 2014-15 had been entered into with Markfed and in terms of clause 8 of the said policy, paddy was to be stored in the mill by the procurement agency at its own expense and charges for loading, transportation and unloading from the trucks and stacking in the mill were to be paid by the agency concerned. However, the petitioner had to pay transportation charges under threat of release order not being issued. It is submitted that the petitioner had to bear

the transportation charges in terms of instructions Annexure P-4, dated 05.12.2014 , wherein the Commissioner, Food Civil Supplies and Consumer Affairs Department Punjab, had directed that the release orders are subject to the parties bearing the transportation expenditure at their end. It is submitted that these instructions are at variance with the custom milling policy and agreement entered into. It is further submitted that the petitioner approached the Markfed for release of the said amount, however, the request has been declined by a cryptic order without giving any reasons whatsoever.

Learned counsel appearing on behalf of the respondent-State would submit that there is no infirmity in the directions issued on 05.12.2014, whereas Mr. Mann, counsel appearing on behalf of respondent No.3-Markfed would submit that the petitioner herein has taken paddy under release order over and above his entitlement under the custom milling policy and, therefore, has to bear the transportation cost at his own end.

Be that as it may, this Court finds that the order passed by the respondent-Markfed is totally cryptic without giving any reason as to why the relief as sought for by the petitioner is being declined. It would be expected of the authorities concerned to pass reasoned order. Consequently, the order dated 08.06.2015 (Annexure P-7) whereby the authority has refused to refund the amount of Rs.12,98,230/- deposited by the petitioner towards transportation charges and other related expenses under protest, is set aside. The petitioner herein is directed to put an appearance before the Managing Director, Markfed, on 26.05.2022 for him to consider whether the petitioner herein would be entitled to refund of the transportation charges as deposited by it. Needless to say, the policy in question would be kept in mind while

taking the said decision. In case the claim of the petitioner is found to be genuine, let the amount be released in his favour preferably within a period of 2 months thereafter.

The present petition stands disposed of accordingly.

04.05.2022

sanjeev

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No