

**CWP-23913-2017,
CWP-23914-2017 and
CWP-23915-2017**

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

Date of decision: 18.05.2022

1. CWP-23913-2017

M/S LAKSHMI RICE & GENERAL MILLS

...Petitioner

VERSUS

UNION OF INDIA AND ORS.

...Respondents

2. CWP-23914-2017

M/S MAHAVIR RICE & GENERAL MILLS

...Petitioner

VERSUS

UNION OF INDIA AND ORS.

...Respondents

3. CWP-23915-2017

M/S BHOLA RICE & GENERAL MILLS

...Petitioner

VERSUS

UNION OF INDIA AND ORS.

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

**Present:- Mr. Daman Dhir, Advocate
for the petitioner in
CWP-23913-2017 and CWP-23914-2017.**

**Mr. Aditya Grover, Advocate
for the petitioner in CWP-23915-2017.**

**Mr. Ashish Rawal, Advocate
for respondent No.1.**

Mr. Rajesh Garg, Senior Advocate with
Ms. Neha Matharoo, Advocate
for FCI.

Ms. Anju Arora, Addl. A. G., Punjab.

Mr. Athar Ahmed, Advocate
for respondent Nos.5 and 6 in
CWP-23913-2017 and CWP-23914-2017.

Mr. Naresh Gopal Sharma, Advocate
Mr. Mehardeep Singh, Advocate
for respondent Nos.5 in CWP-23915-2017.

JAISHREE THAKUR, J. (Oral)

These three petitions have been filed under Article 226 of the Constitution of India seeking a writ in the nature of certiorari to set aside and quash the impugned demand of interest, as served upon the petitioners herein by the procurement agency-respondent No.6, on account of alleged delayed delivery for the Kharif Marketing Season 2012-13.

By this common order, this Court proposes to dispose of the above noted three writ petitions, as common issued in involved.

For the sake of brevity, the facts are being taken from CWP-23915-2017.

The petitioner herein is a Miller, who had been allocated paddy for milling and delivering the Custom Milled Rice (CMR) for the Kharif Marketing Season 2012-13. In terms of the Custom Milling Policy (Annexure P-1), the Miller was to deliver CMR in the Central Pool of FCI within the stipulated time frame as mentioned in the policy and the extended period as allowed by the Government of India/FCI. The petitioner was successful in delivering CMR within the extended time as allowed by FCI,

however, has been served with demand notice, as issued by the procurement agency-respondent No.6. Aggrieved against the said demand, which is interest on the alleged late delivery of CMR, the petitioner herein has approached this Court.

It appears that during the pendency of these proceedings, the procurement agency invoked the arbitration clause as mentioned in the policy and the Arbitrator has disallowed its claim and has ruled in favour of the petitioner herein. Against the said award, the procurement agency has even invoked Section 34 of the Arbitration and Conciliation Act, 1996 and filed objections to the said award, which objections are pending.

Learned counsel for the petitioners herein would contend that as they have an award in their favour, which is still subsisting, their grievance in the instant writ petitions do not survive.

Learned counsel for FCI does not dispute this factual position.

I have heard learned counsel for the parties.

In view of the fact that the Arbitrator has gone into the issue as to whether the demand is legal or not, there would be no occasion for this Court to give its opinion on the same.

Consequently, the instant petitions are disposed of as having rendered infructuous.

18.05.2022
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No