

122.

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

CWP-404-2023

Date of Decision: 10.01.2023

MANISH SHUKLA AND OTHERS

.... Petitioners

Versus

THE APPELLATE AUTHORITY, THE HARYANA STATE
WAREHOUSING CORPORATION AND ANR

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Tahaf Bains, Advocate, for the petitioners.

JAISHREE THAKUR.J (Oral)

The present writ petition has been filed under Articles 226/227 of the Constitution of India with a limited prayer for issuance of direction to the respondent-Corporation not to effect recoveries from the petitioners pending decision on the appeal.

Learned counsel appearing on behalf of the petitioners would contend that proceedings were initiated against the petitioners on account of loss suffered by the Corporation. They were charge-sheeted and found guilty with orders to effect recoveries on account of loss suffered. It is submitted that the writ petition is already pending before this Court i.e. CWP No.27725 of 2013 wherein the question regarding moisture content of storage of wheat is under consideration and in case the said writ petition is allowed, the ratio of the said judgment would be applicable to the facts of the case of the

petitioners. An appeal has been filed which is pending consideration and, therefore, any recovery which is proposed to be made, should be stayed during the pendency of the appeal. He would submit that in similar situation, writ petitions have been disposed of staying recovery pending decision on the statutory appeal (see: CWP No.29214 of 2022, decided on 19.12.2022 and CWP No.29755 of 2022, decided on 22.12.2022).

Notice of motion.

Mr. Padamkant Dwivedi, Advocate, who is present in the Court, accepts notice on behalf of the respondents. He fairly submits that similar writ petitions were filed and disposed of with a direction not to make recoveries pending appeal.

Having heard learned counsel for the parties and in view of the limited prayer made for staying of recovery from the petitioners during pendency of the statutory appeal, this Court deems it appropriate to dispose of the instant writ petition as it being an admitted fact that the petitioners herein have already filed statutory appeal which is pending decision and till the time the same is decided, no recovery be effected from the petitioners.

Ordered accordingly.

(JAISHREE THAKUR)
JUDGE

10.01.2023

sanjeev

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No