

108

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

CWP-3197-2023

Date of Decision: 16.02.2023

M/s Shivoham Rice Mill

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Daman Dhir, Advocate,
for the petitioner.

Ms. Ambika Bedi, AAG, Punjab.

Mr. K.K. Gupta, Advocate,
for the respondents-FCI.

JASGURPREET SINGH PURI, J. (ORAL)

The present writ petition has been filed under Article 226 of the Constitution of India for issuance of an appropriate writ especially in the nature of *certiorari* for quashing the action of the respondents in making recovery/deduction from the petitioner on account of storage and others charges against the replacement of BRL Stocks (Beyond Rejection Limit) pertaining to Kharif Marketing Season 2021-22 to a limited extent of unjustified/arbitrary calculations of days and number of bags explained in the body of the writ petition; the action impugned is arbitrary, unreasonable, uncalled for inasmuch as the same is causing a serious prejudice to the petitioner and has been imposed in gross violation of the *Principles of Natural Justice* with a further prayer to quash the impugned order dated 01.02.2023 (Annexure P-15) and letter dated 25.01.2023 (Annexure P-13).

Mr. Daman Dhir, learned counsel appearing for the petitioner-

Mill has submitted that in the State of Punjab for various rice millers some rice was found to be Beyond Rejection Limit (BRL) for the crop year of 2021-22 and thereafter, the matter was taken up by the FCI and also by the Department of Food and Public Distribution, Government of India and thereafter, vide Annexure P-4, the FCI had written to the Government of Punjab, Department of Food and Civil Supplies with regard to the millers found to be BRL, they will permit to replace the same at their risk and cost. Thereafter, the process of replacing had started but in the interregnum period, a direction was issued by the Government of India whereby the godown itself was sealed. He further submitted that the petitioner is not disputing his liability for the payment of other charges but the petitioner is disputing the number of days which have been counted for the purpose of recovery because for the time when it was beyond the control of the petitioner, he could not have shifted the godown. Apart from the above, the dispute is also with regard to the number of bags, which he has explained. He submitted that at least for those days and for those bags, the petitioner was not liable, the storage charges etc. cannot be recovered from the petitioner and it will amount to an oppressive practice. He further submitted that the FCI had written a letter vide Annexure P-13 for the purpose of recovering the aforesaid charges and he has also given a representation to the FCI vide Annexure P-14 with regard to the revision of the storage charges but no action has been taken in this regard.

At this stage, Mr. K.K. Gupta, learned counsel appearing on behalf of the respondents-FCI submitted on instructions from the D.M. that the representation of the petitioner has since been forwarded to the Food Corporation of India, Headquarters for taking a decision on the same. He

further submitted that the representation of the petitioner will be considered and decided in due course.

In view of the aforesaid position, wherein according to Mr. K.K. Gupta, learned counsel for the respondents-FCI, the representation of the petitioner is already pending before the Food Corporation of India, Headquarters, it is directed that the FCI, Headquarters-Respondent No.3 shall consider and take a final decision on the aforesaid representation in accordance with law within a period of two months from today and the decision shall be communicated to the petitioner.

At this stage, Mr. Daman Dhir, learned counsel for the petitioner has made a prayer that he may also be permitted to file an application directly to the FCI, Headquarters in this regard. He is at liberty to do so.

With the aforesaid directions, the present petition is disposed of.

16.02.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |