

**CWP-8632-2023**

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**2023:PHHC:060681**

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

125

**CWP-8632-2023**

**Date of Decision: 28.04.2023**

Satpal Singh

**..... Petitioner**

Versus

Appellate Authority, Haryana State  
Warehousing Corporation and another

**..... Respondents**

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. Tahaf Bains, Advocate  
for the petitioner.

Mr. Padamkant Dwivedi, Advocate  
for the respondents.

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**VIKAS BAHL, J (ORAL)**

This is a civil writ petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondent-corporation not to effect recovery from the petitioner pending the decision of the application for stay made in the appeal dated 31.03.2023 (Annexure P-2) filed by the petitioner against the orders dated 23.02.2023/24.03.2023 passed by respondent No.2, pending before respondent No.1.

Learned counsel for the petitioner has submitted that the petitioner was charge-sheeted and found guilty on account of alleged loss suffered by respondent No.2-Corporation. It is submitted that the primary reason for having suffered the loss was less storage gain and in 2013, a civil writ petition bearing CWP-27725-2013 had been filed, wherein the question regarding moisture content in 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 petitioner. It is submitted that the petitioner has filed statutory appeal against the recovery orders which are pending consideration and, therefore, any recovery which is proposed to be made, should be stayed during the pendency of the appeals. It is further submitted that in similar situations, i.e. in CWP No.29214 of 2022, decided on 19.12.2022 and CWP No.29755 of 2022, decided on 22.12.2022, writ petitions have been disposed of and recovery had been stayed pending decision of the statutory appeal.

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 had been disposed of with a direction not to make recoveries pending appeal.

Learned counsel for the respondents has submitted that the appeal is pending for 19.05.2023 and in all likelihood, the same would be disposed of on 19.05.2023 or immediately thereafter.

Having heard learned counsel for the parties and in view of the limited prayer made for staying the recovery from the petitioner during the pendency of the statutory appeal, this Court deems it appropriate to dispose of the instant writ petition and since it is an admitted fact that the petitioner herein has already filed statutory appeal which are pending decision, thus, till the time the same are not decided, no recovery be effected from the petitioner.

Ordered accordingly.

**28.04.2023**

*D.Bansal*

**(VIKAS BAHL)**  
**JUDGE**