

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

101

CWP-20417-2021

Date of Decision: 19.12.2023

M/s Guru Nanak Rice and General Mills

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Daman Dhir, Advocate for the petitioner
 Mr. Inderpreet Singh Kang, AAG, Punjab
 Mr. K.K. Gupta, Advocate
 for Food Corporation of India-respondent No.4

JAGMOHAN BANSAL, J. (Oral)

1. On 25.10.2021, the following order was passed:-

“This writ petition has been filed challenging interest charged by respondent No.6 on account of delay in supply of custom milled rice.

The case of the petitioner is that interest was charged in the bill issued in the 2014. In 2017, on receipt of reply to query filed under the Right to Information Act, 2005, it came to know that Food Corporation of India (FCI) had already paid interest to respondent No.6 and that delay was not attributable to the miller. Delay was caused as there was no enough space available with the FCI for storage of custom milled rice. Thereafter, a representation was made to the respondents objecting against charging of interest. Since, no action was taken, legal notice dated 20.06.2019 was issued, but even the same was not responded to. Thus a writ petition was filed, which was disposed of with a direction to respondent No.2 to decide the pending legal

notice within a time bound manner. The said legal notice has been decided vide order dated 05.02.2021 and the claim of the petitioner has been rejected.

In the impugned order, it has been mentioned that there is no evidence on record that there was a shortage of storage space with the FCI.

Learned counsel for the petitioner relies upon communication dated 11.10.2013 (Annexure P-4) sent by the Government of Punjab to the Union Government in support of his plea that FCI did not have adequate storage space.

The aforementioned communication, prima facie, does not lead to the conclusion that there was a shortage of storage space right from 01.07.2013. Under the relevant policy, the custom milled rice was to be made available till 30.06.2013.

Further, admittedly, interest for delayed supply was charged at the first instance in the year 2014. Representation against the same was made for the first time in 2017 vide Annexure P-9. This was followed by a legal notice dated 20.06.2019, i.e. about two years later. Thus, no action was taken against a cause of action which arose in the year 2014. Accordingly, prima facie, the writ petition is barred by delay and laches.

Learned counsel for the petitioner prays for time to place on record additional material to show that in fact, there was a shortage of storage space right from June, 2013 and that suitable objections were raised within a reasonable time because of which it cannot be said that the case is barred by delay and laches.

Adjourned sine die.

To be put up as and when appropriate application in this regard is moved.”

2. Learned counsel for the petitioner submits that vide order dated 04.10.2016 passed in *CWP No.20885 of 2016*, this Court directed similarly situated parties to avail remedy of arbitration. The said petitioners preferred *LPA No.2043 of 2016* before Division Bench of this Court which vide order dated 24.05.2022 has dismissed the said LPA. The present petition may be disposed of in same terms.

3. In view of above facts and circumstances, the present petition stands disposed of in terms of order dated 04.10.2016 passed by this Court in *CWP No.20885 of 2016*.

(JAGMOHAN BANSAL)
JUDGE

19.12.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>