

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

101

**2023:PHHC:158500
CWP No.28987 of 2018
Date of Decision:12.12.2023**

M/S VIJAY SON RICE AND GENERAL MILLS, MOGA

....Petitioner

VS.

STATE OF PUNJAB & OTHERS

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Varun Mittal, Advocate
for the petitioner

Mr. Inderpreet Singh Kang, AAG, Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 06.12.2011 (Annexure P-1) whereby Director, Food Civil Supplies and Consumer Affairs, Punjab has raised a demand of Rs. 5,93,966.50/- alongwith interest @ 12 % per annum.

2. Learned counsel for the petitioner submits that impugned order was allegedly passed on 20.12.2011 whereas it was communicated to petitioner on 27.04.2018. As per the said impugned order, the amount determined by Director would be recovered by filing civil suit. The State has not filed civil suit against the petitioner still appropriated a sum of Rs. 5,14,514/- which petitioner deposited under compelled circumstances. As per communication dated 30.10.2010, the respondent has calculated

principal amount due against the petitioner Rs. 2,42,219/- whereas by impugned order, the principal amount has been increased to 5,93,966.50/-.

The contradiction between the two documents is stark.

3. Learned State counsel submits that petitioner vide communication dated 17.10.2011 accepted his liability and deposited admitted liability. The petitioner is trying to deflect from his liability.

4. Without commenting upon merits of the case and considering the fact that as per memo dated 30.10.2010, the principal amount due against the petitioner has been assessed Rs. 2,42,219/-, the respondents are directed to re-calculate the correct liability of the petitioner and appropriate from the already paid amount. The calculation shall be made within three months from today after granting opportunity of hearing to the petitioner.

5. The petition stands disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

12.12.2023
paramjit

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No