IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204 **CWP-4453-2018**
Date of Decision: 17.08.2023

M/s Shri Narayan Ji Rice Mills **...Petitioner**

Versus

State of Punjab and Others **...Respondents**

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Nitin Sherwal, Advocate for the petitioner

Mr. Deepanjay Sharma, DAG, Punjab

Mr. K.K. Gupta, Advocate
for Food Corporation of India-respondent No.5

Mr. Ankur Sharma, Senior Panel Counsel
for Union of India-respondent No.6

***

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner, through instant petition under Articles 226/227 of the Constitution of India, is seeking setting aside of communication dated 04.10.2017 (Annexure P-11) whereby Food Corporation of India-respondent No.5 has returned original transportation charges bills of the petitioner and order dated 15.03.2018 (Annexure P-11A) whereby PUNGRAIN-respondent No.3 has rejected representation of the petitioner claiming transportation charges.

2. The brief facts of the case which are necessary for adjudication of the present petition are that the petitioner is engaged in the business of processing of paddy. The petitioner during 2009-10, 2010-11 and 2011-12 processed paddy of respondent No.3-PUNGRAIN. The petitioner with respect to transportation charges submitted its bills

MOHIT KUMAR
2023.08.19 11:07
I attest to the accuracy and
integrity of this order/judgment.

vide letter dated 28.01.2015 (Annexure P-2) which were duly received by PUNGRAIN. The PUNGRAIN scrutinized the bills and formed an opinion that actual entitlement of the petitioner towards transportation charges is Rs.6,97,127/- against the claimed charges of Rs.7,80,179/-. The PUNGRAIN forwarded invoices of the petitioner to Food Corporation of India at Ludhiana vide communication dated 21.07.2017 (Annexure P-6). The Food Corporation of India vide communication dated 22.07.2017 returned bills with the remarks that transportation charges for the period 2003-04 to 2013-14 could be submitted upto 31.01.2015. The Food Corporation of India vide communication dated 04.10.2017 (Annexure P-11) further clarified to PUNGRAIN that they have again submitted bills vide memo dated 03.10.2017 and as per instructions of Government of India bills cannot be accepted after 31.01.2015. The petitioner preferred *CWP No.21598 of 2017* before this Court seeking direction to the respondents to clear the transportation charges of the petitioner. The said writ petition came to be disposed of vide order dated 21.09.2017 with a direction to the authorities to decide representation of the petitioner. The respondent No.3 vide impugned order dated 15.03.2018 rejected claim of the petitioner on the ground that petitioner had submitted incomplete bills on 31.01.2015, thus, there was lapse on the part of the petitioner to submit bills with requisite documents before the last date prescribed for submitting the bills.

3. Learned counsel for the petitioner *inter alia* contends that it is an undisputed fact that petitioner had submitted bills on 28.01.2015

MOHIT KUMAR
2023.08.19 11:07
I attest to the accuracy and
integrity of this order/judgment.

and as per instructions of Government of India initially last date for submitting bills was 31.01.2015 which was extended upto 31.08.2015. The PUNGRAIN forwarded bills on 21.07.2017 to Food Corporation of India and during the intervening period, especially prior to 31.08.2015, the petitioner was not asked to rectify its mistake. Thus, petitioner cannot be denied its claim of transportation charges

4. Mr. K.K. Gupta, learned counsel for respondent No.5 submits that Food Corporation of India is bound by the instructions of Government of India and as per instructions complete bills were required to be submitted by 31.08.2015 and admittedly bills were submitted to Food Corporation of India by PUNGRAIN after the last date prescribed for submission of bills.

In support of his contention learned counsel for respondent No.5 relies upon judgment of Hon'ble Supreme Court in ***Vijay Lakshmi Versus Punjab University and Others; 2004 SCC (L&S) 38*** wherein Hon'ble Court has held that High Courts cannot interfere into policy matters.

5. Mr. Deepanjay Sharma, learned State counsel on being asked, expressed his inability to show any document disclosing that PUNGRAIN at any time prior to 31.08.2015 pointed out deficiency in the bills submitted by the petitioner. He simply pleaded that petitioner was orally informed of deficiency. The payment has to be paid by Food Corporation of India which is not making payment due to expiry of last date fixed for submitting bills.

MOHIT KUMAR
2023.08.19 11:07
I attest to the accuracy and
integrity of this order/judgment.

6. I have heard the arguments of learned counsels for the parties and perused the record with their able assistance.

7. From the perusal of record, it comes out that Central Government has prescribed 31.08.2015 as last date for filing invoices of transportation charges for KMS 2003-04 to 2013-14. The said date has not been prescribed under any statutory provision. Initially, no last date was prescribed, however, Central Government for the first time by letter dated 01.12.2014 fixed 31.01.2015 last date. The said date came to be extended twice. The change of date from time to time itself indicates that last date prescribed was exercise of totally discretionary power of the Central Government and time was not the essence. It is apt to notice that the last date for filing bills for KMS 2003-04 was 31.08.2015 and for KMS 2013-14 was also 31.08.2015. The petitioner admittedly submitted bills on 28.01.2015. The respondents have miserably failed to point out any document disclosing that petitioner was pointed out deficiency in the bills prior to 31.08.2015 and invoices were returned prior to the said date. In the absence of any documentary evidence disclosing that invoices submitted on 28.01.2015 were returned or deficiency in the invoices were pointed out prior to 31.08.2015, it would be unfair and unjustified to reject claim of the petitioner qua transportation charges. Respondent-State has no right to withhold genuine claim of the citizens of the country. The respondents are not disputing payment, however, claim is denied on the ground that invoices were submitted after last date. Had last date been prescribed under the statutory provision, it could

MOHIT KUMAR
2023.08.19 11:07
I attest to the accuracy and
integrity of this order/judgment.

have detained this Court, however, in the absence of any statutory provision it would be unreasonable, unjustified and contrary to Article 265 as well as 300A of Constitution of India to deny claim of the petitioner especially when he had acted well within time and lapse, if any, was on the part of government agencies.

8. The judgment cited by learned counsel for respondent No.5 is not applicable in the case at hand. In *Vijay Lakshmi (supra)*, the question before the Hon'ble Supreme Court was regarding discrimination in the appointment of Principal of a college on the basis of sex. The college as per its policy had provided that Principal of the Women College would be a lady, however, High Court set aside that policy. The case in hand, firstly, is not case of State policy matter and further it is a case of genuine claims of the petitioner which had arisen on account of contractual obligation discharged by the petitioner.

9. In the wake of above facts and findings, this court is of the considered opinion that present petition deserves to be allowed and accordingly allowed. Impugned orders are set aside and respondents are hereby directed to make payment to the petitioner within 6 weeks from today.

(JAGMOHAN BANSAL)
JUDGE

17.08.2023
Mohit Kumar

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*

MOHIT KUMAR
2023.08.19 11:07
I attest to the accuracy and
integrity of this order/judgment.