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

**CWP-28240-2019 (O&M)
Date of Decision: 24.01.2023**

M/s Kissan Rice Mills through its Proprietor

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. A.P. Kaushal, Advocate,
for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

The present writ petition has been filed under Article 226 of the Constitution of India seeking a writ in the nature of certiorari for setting aside of the order/Calculation (Annexure P-4) of the year 2012-13 vide which the interest has wrongly been calculated and petitioner is asked to pay exorbitant interest illegally and arbitrary without any justification whereas the respondent has not provided vacant space on repeated requests to deliver the milled paddy as per the instruction of the respondent and caused huge financial loss to the petitioner in the shape of paying rent for storage the milled paddy of respondent Nos.2 & 3 and till date not releasing amount due against the respondent for milling the paddy of respondent No.2 with a further prayer to consider the representation of the petitioner sympathetically for exemption of the interest amount.

Mr. A.P. Kaushal, learned counsel appearing on behalf of the petitioner has submitted that the impugned annexure in the present case is Annexure P-4, which is a Calculation Sheet made and typed by PUNSUP which is respondent No.2 in the present case in which they are charging an amount of Rs.25,15,344/- from the petitioner whereas the petitioner was not entitled to pay the same since default was on the part of PUNSUP itself and not by the petitioner and such a calculation which is made for the year 2012-13 was arbitrary and could not have been made from the petitioner at all especially in view of the fact that the respondent did not provide vacant space on the repeated request to deliver the milled paddy.

I have heard the learned counsel for the petitioner.

The present petition is devoid of any merit and deserves to be dismissed due to the following reasons:-

1. On 30.09.2019, learned counsel for the petitioner was directed to place on record the work order/contract entered into between the petitioner mill and procurement agency and in pursuance to which the paddy had been entrusted for purposes of custom milling and it was further directed that needful be done within a period of two weeks. Thereafter, the matter was adjourned from time to time and even on 17.01.2020, last opportunity was given to the petitioner to comply with the aforesaid order but the same was not complied with at all. However, now an application has been filed vide CM-19251-CWP-2022 for placing on record Annexure P-6, which would show that this is not work order

and only a statement with regard to some amount but it cannot be said to be any compliance of the order dated 30.09.2019 because in the aforesaid order, it was directed that the work order/contract entered into between the petitioner mill and procurement agency be placed on record. More than three years have elapsed but the aforesaid order has not been complied by the petitioner, and therefore, the present petition is liable to be dismissed on this score alone.

2. The dispute raised in the present petition is pertaining to the year 2012-13 i.e. Annexure P-4. The present petition has been filed in the year 2019. The period of limitation as prescribed under the Limitation Act has already expired. It appears that the petitioner has chosen to file the present writ petition since the period of limitation has already been expired, and therefore, this Court is of the view that the prayer of the petitioner would be hit by delay and laches.
3. The present petition has been filed under Article 226 of the Constitution of India seeking a writ in the nature of 'Certiorari' for setting aside the Annexure P-4. A perusal of Annexure P-4 would show that it is nothing but only a typed calculation sheet which according to the learned counsel for the petitioner is made by the respondent-PUNSUP. It is neither a *quasi judicial* order nor it is an administrative order nor it is any kind of order at all. A writ of certiorari, therefore, cannot be maintained at all and therefore, this

Court would not interfere in exercise of its inherent jurisdiction under Article 226 of the Constitution of India.

In view of the aforesaid position, the present writ petition is dismissed. However, in case the petitioner is entitled to avail any other appropriate alternate remedy then he may do so strictly in accordance with law.

24.01.2023

Bhumika

**(JASGURPREET SINGH PURI)
JUDGE**

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