

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

2024:PHHC:039159

CWP No. 2443 of 2019 (O&M)

Date of Decision:19.03.2024

Punjab State Warehousing Corporation

....Petitioner

vs.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Vikas Singh, Advocate and
Ms. Anamika Sheoran, Advocate
for the petitioner
Mr. Aman Dhir, DAG, Punjab
Mr. Anil Chawla, Senior Panel Counsel
for the Union of India

JAGMOHAN BANSAL, J. (ORAL)

1. On 15.11.2023, the following order was passed by this Court:-

“The petitioner is a public sector undertaking. The petitioner is storing wheat/rice on behalf of State Government. The petitioner is getting jute bags as packing material from State of Punjab which in turn is getting from Union of India. The jute bags are purchased from mills located at West Bengal. The grievance of the petitioner is that they received defective jute bags and respondents despite repeated requests did not look into grievance of the petitioner. The petitioner had to bear charges running into crores for the storage of defective jute bags.

As per reply filed by respondents No.4 to 6, the petitioner in case of defective jute bags was supposed to follow instructions dated 28.04.2008 which are reproduced in the reply. As per these instructions, the petitioner was supposed to inform manufacturing unit

with a copy to Director General of Supplies & Disposals, Kolkata. The petitioner was supposed to dispose of defective jute bags within one month as per instructions dated 28.04.2008 and 02.03.2010, however, the petitioner neither lodged complaint with jute bags manufacturers nor disposed of alleged defective bags within one month.

Learned counsels for the respondents seek time to file reply where it is not already filed.

Adjourned to 15.02.2024.

A photocopy of this order be placed on the files of other connected cases. ”

2. This Court cannot assess loss caused to the petitioner and thereafter fix responsibility of a particular entity because multiple stake holders are involved. As per the petitioner, it is the Jute Commissioner/Union of India which has to resolve the issue. This Court in exercise of its power under Articles 226/227 of the Constitution of India cannot adjudicate disputed questions of fact which can be determined after appreciating evidence led by both sides.
3. In the wake of above discussion and findings, the petition stands disposed of with a direction to Union of India/competent authority to look into the matter and expeditiously resolve the grievance of the petitioner. The petitioner is further at liberty to avail remedies as permissible by law. The petitioner till the settlement of claims would be eligible to retain sale proceeds.
4. Pending Misc. application(s),if any, shall stand disposed of.

19.03.2024
paramjit

(JAGMOHAN BANSAL)
JUDGE

Whether speaking/reasoned:	Yes	
Whether reportable:		No