

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

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**2024:PHHC:036489
CWP No.5143 of 2024
Date of Decision:14.03.2024**

M/s Radhey Krishana Foods and others

....Petitioners

VS.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Daman Dhir, Advocate and
Ms. Dilpreet Kaur, Advocate
for the petitioners

Mr. Aman Dhir, DAG, Punjab

Mr. K.K.Gupta, Advocate
for respondents No. 4 to 6-FCI

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioners through instant petition under Article 226 of the Constitution of India are seeking direction to respondents No. 5 and 6 to permit them to deliver CMR at L1 destination.

2. The grievance of the petitioners is that they have been asked to deliver rice at L3 destination instead of L1 which would entail higher cost of transportation. They apprehend that FCI, at a later point of time, may ask them to bear cost of transportation.

3. Short reply by way of affidavit dated 12.03.2024 of M.L.Meena,
Divisional Manager, Food Corporation of India, Divisional Office,

Ludhiana, on behalf of respondents No. 4 to 6 is taken on record. Registry is directed to tag the same at appropriate place.

4. Mr. K.K.Gupta, Advocate, pointing out reply submits that all the rice mills have been linked with delivery points through portal and there is no human intervention. The petitioners would transport their CMR at Hathur Center and the transportation cost, as usual, would be borne by FCI.

The relevant extracts of the reply read as:-

“(i) That with effect from KMS 2023-24, there is no manual work with regard to the linkage of Food Storage Depot / Center for delivery of CMR by the millers. The entire work of rice delivery and allotment of Stack at storage points is being done over Portal “WINGS”. After the milling of the paddy into rice, a miller is required to apply online for stack booking for delivery of the rice and the entire work with regard to linkage with the Food Storage Center and storage points attached with the Center is done by the said portal “WINGS” and allocation is made as per load balance which is planned on several factors like capacity, dumping space, targets and delivery performance of the mill etc. As such, seeking indulgence of this Hon'ble Court by the petitioners for deviating from the said mode, would be a futile exercise as none of the respondent can deviate from that of the planning made by the software.

(ii) That as per the planning made by the portal, there are 30 millers including the petitioners, who have been linked with the Hathur Center. As there is no railhead at Hathur, therefore, it has been provided that all the millers would transport their CMR at Hathur Center and the transportation cost, as usual, is born by the FCI. If no

space is left at any point of time at Hathur enter then the millers are required to directly deliver rice at Railhead Jagraon, the transportation cost of which is also borne by the FCI.”

5. From the statement made by Mr. K.K.Gupta, Advocate and above quoted paragraphs of the reply, it is evident that FCI is undertaking to bear cost of transportation from mill to the place of delivery. The petitioners are over apprehending their responsibility/liability qua transportation cost.
6. In the wake of statement of counsel for FCI and reply of FCI, the instant petition stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

14.03.2024
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:		No