



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

132

CR-3108-2024**Date of Decision: 20.05.2024**

Punjab Agro Industries Corporation Limited

...Petitioner

Versus

Sukhwinder Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Ranjit Singh Kalra, Advocate with
Ms. Mona Yadav, Advocate, for the petitioner.

VIKAS SURI, J.

1. This revision petition has been filed under Article 227 of the Constitution of India, for setting aside order dated 11.10.2022 passed by the learned Additional District Judge, Fatehgarh Sahib, whereby the application for filing of civil appeal without affixing requisite Court-fee has been dismissed, consequently the case file was ordered to be consigned to record room.

2. The petitioner herein is a public sector undertaking. In the light of the decision taken by the State Government to reduce procurement agencies, the petitioner was on the verge of being wound-up but was subsequently ordered to be merged with PUNGRAIN and the food supply department is to complete the process of merger within one year from 10.06.2023. The petitioner had filed a suit for recovery of Rs.5,90,67,224/-



as principal amount along with interest at the rate of 14% per annum from 11.07.2014 till its actual realization, against its former employee, who is alleged to have caused financial loss in storing foodgrains. The said suit was dismissed vide judgment and decree dated 25.08.2021 passed by the learned Additional Civil Judge (Senior Division), Fatehgarh Sahib. The petitioner preferred an appeal thereagainst along with an application for allowing it to file the appeal without affixing the Court-fee. The lower Appellate Court, vide order dated 22.02.2022 (Annexure P-3), granted time to the petitioner to furnish the requisite Court-fee but it did not deposit the same despite seven opportunities having been granted over a period of six months. Thereafter, having failed to make good the deficiency of Court-fee, the first Appellate Court dismissed the application seeking permission to file the appeal without affixing the Court-fee.

3. The correctness of such order is challenged in the instant revision petition.

4. Learned counsel for the petitioner contends that the petitioner-Corporation was facing an acute financial crunch and was on the verge of being wound-up. In the absence of funds, the petitioner was unable to pay the Court-fee. He submits that subsequent to the decision of the Government to merge the petitioner-Corporation with PUNGRAIN, and pending completion of the process of merger, now funds have been received. The petitioner undertakes to make good the deficiency in the Court-fee within a period of one month from today. Reliance has been placed upon the



decision by a coordinate Bench in CR-2993-2024, titled as *Punjab Agro Industries and Foodgrains Corporation Ltd. vs. Rajpati Yadav*, dated 16.05.2024.

- 5. Heard learned counsel for the petitioner and perused the paper-book.
- 6. Keeping in view the facts and circumstances of the present case, the impugned order dated 11.10.2022 (Annexure P-1) is set aside while extending the period for depositing the Court-fee by one month.
- 7. However, if the deficiency in Court-fee is not made good within the aforesaid time, the revision petition shall be deemed to have been dismissed.
- 8. With the aforesaid observations, the present revision petition is disposed of.

May 20, 2024

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(VIKAS SURI)
JUDGE

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