



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

CWP-23777-2019

Date of decision : 20.11.2024

Haryana State Warehousing Corporation

...Petitioner

Vs.

**The Chairman-cum-Managing Director, FCI
and others**

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Lekh Raj Sharma, Advocate
for the petitioner.

Mr. K.K. Gupta, Advocate
for the respondents.

ANIL KSHETARPAL, J. (Oral)

1. The petitioner herein is an instrumentality of the State of the Haryana. It has filed writ petition seeking issuance of the writ in the nature of mandamus directing Food Corporation of India to release/refund the amount of Rs. 33,81,692/- along with interest @18% per annum, which is alleged to have been illegally withheld on the basis of unilateral report.

2. Heard the learned counsel representing the parties at length.

3. The aforesaid amount represents the carry over charges. It is evident that highly disputed questions of fact are involved in the present case because it is yet to be decided as to whether the fault was of Food Corporation of India or the petitioner. Moreover, the constitutional Court under Article 226 of the Constitution of India is not expected to entertain recovery proceedings in

a writ petition.

4. With these observations, the petitioner is relegated to the alternative remedies.

5. The petition stands disposed of.

20.11.2024
neeraj

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No