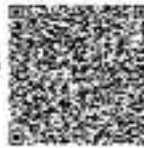


IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024.PHHC.104174-DB



(106/3)

LPA-1780-2024 (O&M)
Decided on :13.08.2024

Food Corporation of India and others

.....Appellant(s)

Versus

M/s Ram Nath Dhir & Sons and others

.....Respondent(s)

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MRS.JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Ravi Kamal Gupta, Advocate for the appellant (s).

G.S. Sandhawalia, J.(Oral)

The present letters patent appeal is directed against the order dated 22.04.2024 of the learned Single Judge passed in **CWP-21428-2023**, wherein the petition was disposed of in terms of the judgment dated 12.07.2023 passed in **CWP-10353-2021 ‘Rama Krishna Rice and General Mills through its partner Narinder Kumar Nayyar and others Vs. State of Punjab and others’**.

2. A perusal of the order would go on to show that counsel for the parties were *ad idem* that the issue involved in the present litigation stands adjudicated by the learned Single Judge in the case of **Rama Krishna Rice and General Mills (supra)**. It was also noticed that the appeal bearing **LPA No.1379 of 2023** filed against the said judgment already stood dismissed on 05.10.2023 and the SLP (C) No.403 of 2024 is pending before the Apex Court, but there is no stay.

3. Counsel for the appellants now raised an issue that the writ petitioners in the present set of litigation were fence sitters as they had never approached the authorities and had only approached the learned Single Judge, thereafter, when the decision was made in terms of the judgment passed in the case of **Rama Krishna Rice and General Mills (supra)**.

4. If that is so, it is open to the appellant to file an appropriate application before the learned Single Judge, as apparently from the order, it is clear that counsel for the appellant had conceded that the case was covered and, therefore, we are not in a position to hold to the contrary, since the Coordinate Bench has already dismissed the appeal against the main case. Resultantly, we dispose off the present letters patent appeal with liberty to the appellant, in case he so wishes to, to avail of the remedy, in accordance with law.

(G.S. SANDHAWALIA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

13.08.2024
Naveen

Whether speaking/reasoned :	Yes
Whether Reportable :	No