

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

2024:PHHC:039106

CWP No.10347 of 2015 (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 23.05.2017, the following order was passed by this Court:-

“Petitioner-Punjab State Warehousing Corporation seeks a writ in the nature of mandamus directing respondents No. 1 and 2 to recover the amount from respondent No.3- Directorate General of Supplies and Disposals, Kolkata and pay the same to the petitioner on account of damaged gunny bags supplied to the petitioner. The petition was filed in the year 2015. Fresh notices issued to respondent No.3 have been received back unserved. A miscellaneous application has been filed for an interim direction for disposal of the damaged gunny bags lying in the godown of the petitioner subject to the final decision of the present writ petition. I have considered the

averments in the application. The bags had been purchased in accordance with the policy of respondents No. 1 and 2 from respondent No.3. Para 5 of the writ petition gives the details of damaged jute bags supplied by various mills through respondent No.3 to the petitioner. The damaged bags are allegedly occupying various space on the godown of the petitioner-Corporation. Taking into consideration the above said peculiar circumstances, interim permission is granted to the petitioner to dispose of the damaged gunny bags lying in the godown of the petitioner after coordinating with the Food and Supplies Department of Punjab and maintaining the record of the proceeds of disposal, which will be placed on record and would be considered at the time of final adjudication of the present writ petition.

For arguments, adjourned to 25.10.2017.”

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 on the basis of 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.

(JAGMOHAN BANSAL)
JUDGE

19.03.2024
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:		No