

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024.PHHC.108511-DB



(106/2)

LPA-1730-2024 (O&M)

Decided on :13.08.2024

The Punjab State Co-operative Supply and Marketing Federation Limited

.....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. Jabar Jeet Singh, Advocate for the appellant (s).

G.S. Sandhawalia, J.(Oral)

CM-4095-LPA-2024

Application for condoning the delay of 21 days in filing the present appeal, is allowed, in view of the averments made in the application, duly supported by affidavit. Delay of 21 days in filing the appeal is condoned.

CM stands disposed of.

LPA-1730-2024 (O&M)

The present letters patent appeal filed by the appellant who was respondent No.6 in the writ petition, 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 by respondent No.20-FCI, 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)**. 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.

4. Appeal filed by the Food Corporation of India against the impugned order, who was respondent No.3 in the writ petition i.e. **LPA No.1780 of 2024** has also been dismissed vide separate order of even date.

5. Resultantly, we dispose off the present letters patent appeal with liberty to the appellant, in case it 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