

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-16283-2020 (O&M)
Date of decision: 05.02.2024

Bharat Rice and General Mills, Khuddi Road, Barnala

...Petitioner

VERSUS

Punjab Agro Foodgrains Corporation Ltd. and another

...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Kuldeep, Advocate for
Mr. Tribhawan Singla, Advocate for the petitioner.

Mr. Anupam Singla, Advocate for the respondents.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed for issuance of directions to the respondents to release the payment of Rs.8,39,257/- along with interest @ 13% per annum with regard to the milling charges of rice for the crop year 2018-19.

Written statement has been file on behalf of the respondents, the relevant Para No.4 of the same reads thus:

“4. That with regard to the claim setup by the petitioner, it is submitted that during the crop year 2018-2019, 35190.3750 qntls. of paddy was allotted to the petitioner for milling and the petitioner was acquired to allotted deliver 23577.551 qntls. of rice i.e. @ 67%. It is

further submitted that the petitioner has delivered 23586.450 qncls., of rice i.e. 8.899 qncls. in excess. Accordingly, the petitioner was entitled to receive an amount of Rs. 15,69,307/- towards milling charges, GST, security, charges of gunny bags, driage and custody & maintenance. Similarly, an amount of Rs. 4,37,281/- was recoverable from the petitioner towards quality cut, interest on quality cut, security, TDS, uses charges not received from FCI etc. Hence total amount of R., 11,32,027/- was payable to the petitioner. It is further submitted that an amount of Rs.3,38,274/- was already paid to the petitioner and FCI has made recovery towards transportation charges amounting to Rs.2,31,323/-for which, petitioner has already availed alternative remedy by filing CWP No. 11932 of 2020, which has been disposed of by this Hon'ble Court on 17/08/2020 by directing the concerned authorities to decide the representations of the petitioners of the said writ petition.

In view of the above, it is clear that as on date, an amount of Rs. 5,62,430/- is payable to the petitioner by the respondent Corporation towards the milling charges.

A copy of the statement of account dated 04/02/2021 and a copy of the order dated 17/08/2020 passed in CWP No. 11932 of 2020 is appended herewith as Annexure R-2 and Annexure R-3 respectively.”.

Learned counsel for the respondents contends that the differential amount has already been paid by the respondents in as many as five installments from 04.10.2019 till 11.01.2022 and only an amount of Rs.96,423/-was payable as against the claim made by the petitioner. However, the said amount has been withheld against recovery of Rs.1,05,045/- towards Driage Charges KMS 2014-15 (21396 Qtls. @ 4.91 Per Qtls.)

Since the specific case of the respondents now is that the all undisputed payments have already been released and the deduction has been made towards setting of the recoverable(s) from the petitioner, no further directions are required to be issued in the present petition. The same is accordingly **disposed of** as having been rendered infructuous.

Liberty is, however, granted to the petitioner to take recourse to the alternate remedies, if so advised, against the recovery effected from him.

05.02.2024

Mangal Singh

(VINOD S. BHARDWAJ)
JUDGE

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