



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

LPA No.916 of 2021(O&M)
Date of Decision: 20.08.2024

Food Corporation of India & Ors.
...Appellants
Versus
M/s Wilaiti Ram Rice & General Mills & Ors.
...Respondents

2. LPA No.917 of 2021
Food Corporation of India & Ors.
...Appellants
Versus
Kissan Rice Mills & Ors.
...Respondents

3. LPA No.928 of 2021
Food Corporation of India & Ors.
...Appellants
Versus
M/s Shiv Shankar Rice Mills & Ors.
...Respondents

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

Present:- Mr. Krishan Kumar Gupta, Advocate for the appellants.
Mr. Ashish Rawal, Advocate,
for the Union of India.
None for the respondents.

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G.S. SANDHAWALIA J. (Oral)

These three appeals are directed against the interim orders dated
08.09.2021 in CWP No.17493 of 2021, dated 08.09.2021 in CWP No.14667



of 2021, dated 08.09.2021 in CWP No.15315 of 2021 passed by learned Single Judge whereby similar directions were issued to respondent-State Agencies to accept the custom milled rice till the dispute is resolved between FCI on one hand, and the State Government Agency on the other hand for the KMS 2020-21.

2. The operation of the said order was stayed by the Co-ordinate Bench while issuing notice of motion on 30.09.2021 (in LPA No.916 of 2021) and directions were issued that it would be open to the counsel for the parties to make a prayer before learned Single Judge for disposal of the writ petition on the date already fixed or any other date convenient to the said Court. Order had also been issued for completion of the pleadings regarding filing of the reply, failing which, it would be open to learned Single Judge to impose heavy costs upon the present appellants-FCI.

3. Today, we have been informed that the pleadings have been duly completed in all the cases. However, learned Single Judge has chosen to adjourn the proceedings *sine-die* on 05.10.2023 on account of the fact that in a connected matter bearing **LPA No.287 of 2022** titled “**Food Corporation of India & Ors. Vs. M/s Gurdial Mal and Sons Pvt. Ltd. & Ors.**” the intra-court appeal preferred by FCI & others was dismissed vide the order dated 05.04.2022 and the same was challenged before the Apex Court in **Special Leave Petition (Civil) No.8852 of 2022** and the said order had been stayed. The order passed by the Apex Court on 15.09.2023 reads as under:-

“In this case, we had already issued notice on 17.05.2022 and in the meantime, stayed further proceedings in the Contempt case pending before the High Court. After considering today’s contentions, we deem it appropriate to stay the impugned order dated 05.04.2022 in the LPA No.287 of 2022.

This would give rise to the question of the



perishable item paddy stock in the godown. On the perishable item, if the counsel for the parties come forth with an acceptable solution for disposal of the paddy stocked in the mill they may do so by filing appropriate application”.

4. Thereafter, order adjourning the proceedings *sine-die* was passed by learned Single Judge on 22.11.2023 in the connected matters. It was further directed by learned Single Judge that if the petitioner’s would deposit the principal amount with the State-Agencies then the State-Agencies would consider the case of the petitioners for allotment of paddy. Further interim directions were issued to the respondents therein to release the documents of the petitioners which were in their custody.

5. In such circumstances, we are of the considered opinion that learned Single Judge is already dealing with the issue and had issued directions to the respondents herein. If the respondents have complied with the same, they would get the benefit as such for allotment of the paddy and the question of interest and penalty will be decided by learned Single Judge at the time when the writ petitions are taken up for final hearing. In view of the above, we dispose of the instant appeals by directing that the interim directions issued earlier shall continue to remain in force till the final disposal of the writ petitions, since the above arrangements would protect the interest of all the parties.

(G.S. SANDHAWALIA)
JUDGE

August 20, 2024
seema

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No