

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

216

CWP-29980-2019

Date of decision: 29.02.2024

M/S GANPATI GODOWNS

.....Petitioner

VERSUS

**PUNJAB AGRO FOOD GRAINS CORPORATION LIMITED AND
ANOTHER**

.....Respondents

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

**Present:- Mr. Sherry K. Singla, Advocate
for the petitioner.**

**Mr. U.M. Khan, Advocate for
Mr. Anupam Singla, Advocate
for the respondents.**

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the present writ petition is for seeking directions to the respondents to release the arrears of rent on account of utilization of the premises/godowns/plinth on the capacity basis.

Learned counsel appearing on behalf of the petitioner contends that he had entered into an agreement with the respondents initially for utilization of the godown constructed by him at Mansa-Bathinda Road, Maur, District Bathinda, however, the respondents have chosen not to pay the lease/rental on the basis of capacity and had in fact offered to disburse the same on the actual utilization basis.

Learned counsel appearing on behalf of the petitioner has been confronted with the stand of the respondent-Department which was filed by way of short reply on 08.08.2023 wherein it has been

stated that the godowns were initially hired for the period from 2012 to 2015 on actual capacity basis and thereafter the respondent Corporation insisted the petitioner to give his godowns for rent on actual storage basis instead of capacity basis. A specific stand has been taken by the respondents that the said intention had been duly communicated by them to the petitioner and that he was entitled to the rent only on the basis of actual usage and not on the basis of capacity which he is now claiming.

Counsel for the petitioner is not in a position to controvert that the said aspect would be a disputed question of fact requiring leading of evidence by the parties. The present writ petition is accordingly disposed of as not pressed at this stage with liberty to the petitioner to pursue his alternative remedies in accordance with law.

(VINOD S. BHARDWAJ)
JUDGE

FEBRUARY 29, 2024
Vishal sharma

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