
(2021) 11 UK CK 0176

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 2381 Of 2021

M/s Jagdamba Agro Seeds

APPELLANT

Vs

Union Of India And Others

RESPONDENT

Date of Decision : 23-11-2021

Acts Referred:

Citation : (2021) 11 UK CK 0176

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : M.S. Bhandari, Saurav Adhikari, G.S. Negi, Subhash Upadhyaya

Final Decision : Disposed Of

Judgement

Manoj Kumar Tiwari, J

1. Petitioner is a partnership firm which owns a rice mill at Khatima (Udham Singh Nagar). Respondent no.4 procured paddy from farmers during Kharif procurement season 2020-21 and gave it for hulling to the petitioner. Since petitioner could not supply rice after custom hulling of paddy within time, therefore, a notice has been issued by respondent no.4 to him, on 09.10.2021 asking him to deposit a sum of Rs. 2,66,34,177/-, as price of 8356.03 quintals of custom milled rice with other incidental expenses, within ten days.

2. It is the contention of learned counsel for the petitioner that due to COVID-19, all the labourers had returned to their native places, therefore, milling operation remained suspended for a considerable period of time. It is further the contention of learned counsel for petitioner that petitioner himself contacted COVID-19, due to which, he remained hospitalized for a considerable period of time, therefore, the milled rice could not be delivered back to respondent no.4 within time, as such petitioner wants extension of time for supplying the balance custom milled rice to the respondent no.4.

3. Learned counsel for respondent no.4. submits that Central Government

(respondent no.1) had extended time for milling of paddy and delivery of custom milled rice in Uttarakhand for Kharif Season 2020-21, vide order dated 06.08.2021. However, he submits that the extended time also came to an end on 31.08.2021. He further submits that it is the Central Government, which fixes the deadline for delivery of custom milled rice and since the deadline fixed by Central Government has expired on 31.08.2021, therefore, it is only the Central Government, which can pass any order regarding extension of time.

4. Learned counsel for the petitioner submits that Co-ordinate Bench of this Court in WPMS No. 1930 of 2021 has passed an order on 20.09.2021 disposing of the writ petition with liberty to the petitioner to make representation to the Central Government (respondent no.1) with further direction to the Central Government to take decision on petitioner's representation. Thus, he submits that the present writ petition may also be disposed of with similar liberty to the petitioner to approach the Central Government.

5. Learned counsel for respondent no.1 submits that if petitioner makes representation to the Central Government, Competent Authority shall consider his request and take appropriate decision as early as possible.

6. Accordingly, the writ petition is disposed of with liberty to the petitioner to make representation to the Competent Authority in the Central Government, within ten days from today. If such representation is made, the Competent Authority in the Central Government shall look into the matter and take appropriate decision, in accordance with law, within four weeks from date of receipt of representation with certified copy of this order.