

HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

MAIN CASE No.W.P.No.15436 of 2023

PROCEEDING SHEET

Sl. No	DATE	ORDER	Office Note
01	28.06.2023	<u>RRR, J</u> <u>W.P.No.15436 of 2023</u> Learned Government Pleader for Civil Supplies takes notice to respondent No.5. Sri P.Hema Chandra, learned Standing Counsel takes notice to respondent Nos.1 to 3. Issue notice to respondent No.4. Learned counsel for the petitioner is permitted to take out personal notice to respondent No.4 by registered post with acknowledgment due and file proof of service by the next date of hearing. Post on 11.07.2023 in 'motion list'. <u>RRR, J</u> <u>I.A.No.1 of 2023</u> 1. There is a contract between the petitioner and respondent No.1 under which respondent No.1 had delivered paddy to the petitioner for the purposes of milling the same and to return the rice obtained after milling the said paddy. The time given for return of the rice was 30.05.2023. As the rice was not delivered and the petitioner and other millers had complained of various reasons for non-delivery, time for delivery of rice was extended till 30.06.2023.	Contd...

	2. The petitioner has now approached this Court with the contention that the petitioner has to deliver 387.317 Mts of rice and the same could not be delivered on account of various difficulties including scarcity of labour, damage to the paddy, insufficient facilities available in the rural area where the mill is situated etc. 3. The petitioner contends that respondent No.2, despite representations being made on these aspects, is insisting on invoking the bank guarantees given by the petitioner on the ground that the rice has not been delivered by 30.06.2023. 4. Sri P.Hema Chandra, learned Standing Counsel would submit that the terms of the contract were clear and the petitioner was fully aware of the fact that non-supply of the rice within the time stipulated would attract the penalty to invocation of bank guarantees and other penalties as set out in the contract. Despite this knowledge, the petitioner had deliberately not supplied the rice as the paddy supplied by respondent No.1 corporation had been diverted for other purposes. In the circumstances, he would contend that no levy needs to be given to the petitioner. 5. Sri P.Hema Chandra, learned Standing Counsel would also rely upon G.O.Ms.No.14 dated 19.06.2023 which stipulated that non supply of rice by the time stipulated would result in immediate invocation of the bank	Contd...
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	guarantee and imposition of penalties on the imparting rice millers by respondent No.2- Joint Collector. He would also submit that the said G.O. also provided for an appeal to the collector against such decisions of the joint collector. 6. Sri S.Srinivasa Rao, learned counsel for the petitioner would rely upon the orders of the learned Single Judge of this Court dated 27.06.2023 in W.P.No.15354 of 2023 wherein the learned Judge was pleased to grant interim directions directing respondent No.1 corporation to receive the custom milled rice beyond 30.06.2023 for a further period of two (02) weeks. 7. Sri P.Hema Chandra, learned counsel would submit that this order was passed on the specific finding of the learned Judge that the rice was available in the rice mills of the petitioners in the said case whereas rice is not yet available in the rice mill of the petitioner. 8. Sri S.Srinivasa Rao, learned counsel would submit that part of the paddy has already been milled and rice is available and the remaining paddy would be milled and rice would be supplied on the same terms as directed by the learned Single Judge in W.P.No.15354 of 2023. 9. In the circumstances, following the orders of the learned Single Judge in W.P.No.15354 of 2023, the following interim directions are issued:- i. Respondent No.2 or any person duly	Contd...
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		authorized by respondent No.2 are free to conduct immediate inspection of the rice mill of the petitioner to verify whether the necessary paddy for obtaining 387.317 Mts of rice is available after taking into account any rice which is already milled and kept ready in the rice mill of the petitioner. ii. In the event of the said rice/paddy being available in the mill of the petitioner, further time of two (02) weeks from 30.06.2023 would be given to the petitioner for supplying the said rice. iii. Needless to say, bank guarantees furnished by the petitioner would not be invoked for a further period of two (02) weeks from 30.06.2023. iv. In the event of petitioner failing to supply the said rice within the aforesaid period of two (02) weeks beyond 30.06.2023, it would be open to the respondents to invoke the bank guarantees. RRR, J RKS	
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