

ITEM NO.110

COURT NO.4

SECTION IV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL NO(S). 3287/2007

FOOD CORP. OF INDIA &amp; ANR.

APPELLANT(S)

VERSUS

M/S. RAMAKRISHNA TRADING CO. RICE MILLS

RESPONDENT(S)

Date : 21/02/2017 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI  
HON'BLE MR. JUSTICE NAVIN SINHA

For Appellant(s)

Mr. Ajit Pudussery, Adv.  
Ms. S.S. Hazarika, Adv.  
Mr. K. Vijayan, Adv.

For Respondent(s)

Mr. Nikilesh Ramachandran, Adv.

UPON hearing the counsel the Court made the following  
O R D E RThe appeal is dismissed with no costs in terms of  
the signed order.[VINOD LAKHINA]  
COURT MASTER[ASHA SONI]  
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 3287/2007

FOOD CORPORATION OF INDIA  
& ANR.

...APPELLANTS

VERSUS

M/S. RAMAKRISHNA TRADING CO.  
RICE MILLS.

...RESPONDENT

ORDER

1. We have heard the learned counsel for the appellants.

2. Having perused the order of the High Court under challenge in the present appeal we are of the view that withholding of the amount of Rs.9,53,473/- allegedly payable by a sister concern of the respondent - firm had already been held by the High Court to be legally unsustainable. This was by order dated 26<sup>th</sup> August, 2002 passed in writ petition (CWP No.2299 of 2002). Merely because the High Court, despite the said order had granted an opportunity to the appellant - Food Corporation of India to reconsider its decision would not

mean that the earlier finding of the High Court stood obliterated. The said finding has attained finality in law and, therefore, the High Court was perfectly justified in allowing the writ petition and directing the Food Corporation of India to release the amount in question to the respondent - writ petitioner on the strength of its earlier order dated 26<sup>th</sup> August, 2002 passed in CWP No.2299 of 2002.

3. Consequently and in the light of the above, we find no merit in this appeal. The appeal is accordingly dismissed with no costs.

.....,J.  
(RANJAN GOGOI)

.....,J.  
(NAVIN SINHA)

NEW DELHI  
FEBRUARY 21, 2017