

1

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  
RECORD OF PROCEEDINGS  
CIVIL APPEAL NO(S). 3287/2007  
FOOD CORP. OF INDIA & 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&#39;BLE MR. JUSTICE RANJAN GOGOI  
HON&#39;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 R

The 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]

1

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 â firm had already  
been held by the High Court to be legally  
unsustainable. This was by order dated 26 th  
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 â Food Corporation  
of India to reconsider its decision would not

2

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 â writ petitioner on  
the strength of its earlier order dated 26 th  
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