

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CWP-24796-2023

M/S AGGARWAL AGRO FOODS AND ORS

...PETITIONERS

Vs

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CWP-25596-2023

M/S SHRI RAM RICE MILL AND ORS.

....PETITIONERS

Vs

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CWP-25682-2023

M/S SHREE KRISHANA RICE MILLS AND ORS.

....PETITIONERS

Vs

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CWP-25683-2023

M/S KAMLA RICE MILLS AND OTHERS

....PETITIONERS

VS.

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CWP-25728-2023

M/S SAHI RICE TRADERS AND OTHERS

....PETITIONERS

VS.

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CWP-25734-2023

M/S DURGA AGRO INDUSTRIES AND ORS

....PETITIONERS

VS.

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CWP-25735-2023

M/S SANTOSHI RICE MILLS AND OTHERS

....PETITIONERS

VS.

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CWP-25855-2023

C.S RICE AND AGRO INDUSTRIES AND OTHERS

....PETITIONERS

VS.

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CWP-25953-2023

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2023:PHHC:158643

M/S A. K. RICE MILLS

...PETITIONER

VS.

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CWP-26098-2023

M/S ANJANI RICE MILLS AND OTHERS

....PETITIONERS

VS.

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CWP-26219 of 2023

M/S GANPATI RICE AND GENERAL MILLS AND OTHERS

....PETITIONERS

VS.

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CWP-26240-2023

M/S JANAK RICE MILLS

....PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CWP-26524-2023

M/S RAJU RICE MILLS AND OTHERS

...PETITIONERS

$$\mathbf{V}_S$$

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CWP-26560-2023

M/S JAI DURGA AGRO FOODS AND OTHERS

....PETITIONERS

VS.

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CWP-25001-2023

M/S SHREE KHATU SHYAM JI RICE MILL AND ORS

....PETITIONERS

VS.

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CWP-26900-2023

M/S ULTRA NUTRITION AND OTHERS

....PETITIONERS

VS.

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CWP-27247-2023

M/S ARYAN RICE MILLS AND OTHERS

....PETITIONERS

VS.

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CWP No. 24796 of 2023

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2023 : PHHC : 158643

CWP-27361-2023

M/S GURU RICE MILLS

....PETITIONER

VS.

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CWP-26238-2023

M/S KANHA JI RICE MILLS AND OTHERS

....PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CWP-26425-2023

M/S LAKSHMI FOOD PRODUCTS AND OTHERS

....PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Daman Dhir, Advocate and
Ms. Dilpreet Kaur, Advocate
for the petitioner(s) in CWP Nos. 27247, 25001, 26560, 26219,
26098, 25735, 25734, 25728, 25682, 26425, 26238 of 2023

Mr. Chahit Bansal, Advocate and
Mr. Buta Singh, Advocate
for the petitioner(s) in CWP Nos. 27361 and 26900 of 2023

Mr. Gaurav Goyal, Advocate
for the petitioner in CWP No. 26240 of 2023

Mr. Harsh Goyal, Advocate
for the petitioner(s) in CWP Nos. 25953 and 25855 of 2023

Mr. Rajinder Kumar Singla, Advocate
for the petitioner(s) in CWP Nos. 26524, 25683, 25596, 24796,
of 2023

Mr. Inderpreet Singh Kang, AAG, Punjab

Mr. K.K.Gupta, Advocate, for FCI

JAGMOHAN BANSAL, J. (ORAL)

1. By this common order, CWP Nos. 24796, 27247, 25001, 26560, 26219, 26098, 25735, 25734, 25728, 25682, 26425, 26238, 27361, 26900, 26240, 25953, 25855, 26524, 25683, 25596 of 2023 are hereby adjudicated as common questions of law and facts are involved. With the consent of both sides, facts are borrowed from CWP No. 24796 of 2023.

2. On 06.11.2023, the following order was passed by this Court:-

“The petitioners through instant petition under Articles 226/227 of Constitution of India are seeking setting aside of memo dated 18.10.2023 (Annexure P-3) whereby the respondent has imposed cut on the already allotted paddy to the petitioners and further allotted free paddy to those who were not eligible for the free paddy.

2. The conceded case of the both sides is that respondents for KMS 2023-24 notified Custom Milling Policy on 31.07.2023. The petitioners in terms of Policy got themselves registered and thereafter entered into an agreement with the respondents for the allotment of paddy. In the agreement, all the terms and conditions were specified. The respondents by impugned memo has substantially reduced allotted paddy to the petitioners and further allotted substantial quantity to those millers who were not initially entitled for free paddy.

3. Learned counsel for the petitioners submits that the impugned memo has been issued by Director whereas policy was framed by Government with the consent of

Cabinet Minister and further approved by Chief Minister. The amendment made by respondents is retrospective. After execution of agreement, the respondents have no authority to reduce the allotted quantity whereas respondents have reduced allotted quantity even to the extent of 75% e.g. one petitioner (petitioner No.7 in CWP No.25001 of 2023) was allotted 2185 MT paddy whereas it has been reduced to 528 MT.

4. *Short reply by way of affidavit of Ajayveer Singh Sarao, Additional Director, Food, Civil Supplies and Consumer Affairs, Punjab, is taken on record. Registry is directed to tag the same at appropriate place.*

Learned State counsel pointing out affidavit submits that cut was imposed to break the strike and resolve the issue. The matter was put up before Chief Minister who has approved the proposal on 05.11.2023.

Learned counsel produced note put up by Secretary Department of Food, Civil Supplies and Consumer Affairs, Punjab before the Chief Minister. After perusal, original file is returned to the State counsel.

Learned State counsel further submits that as per Clause 13(k) of the Policy, the State is empowered to reduce the allotted paddy if a miller does not lift the paddy or fails to explain the reason of non-lifting. The petitioners were issued notice but they did not lift the paddy.

5. *The petitioners have entered into an agreement with respondents for release of paddy. The petitioners due to strike call did not lift paddy from 15.10.2023 to 21.10.2023. Few petitioners are linked with mandis where paddy was received after 21.10.2023. The respondents by impugned order has allocated paddy to those millers who were not entitled as per policy like new millers who got electricity connection after 02.09.2023. Various millers*

approached this Court seeking allocation of paddy who had got electricity connection after 02.09.2023. The State opposed the prayer and this Court did not direct the State Government to allocate free paddy to those petitioners. By impugned memo, the respondent has now allocated paddy to those millers. Only stand of the respondents is that this method was adopted to break the strike and extend incentive to those millers who did not participate in the strike and lifted the paddy.

6. *The policy seems to have been amended by way of impugned memo which was issued by Director. The impugned memo was issued on 18.10.2023 whereas the matter before Chief Minister was put up on 03.11.2023 i.e. the date on which matter was listed before this Bench and respondent sought time to produce original record. The dispute of lifting of paddy was confined to 15.10.2023 to 21.10.2023 because all the millers starting lifting paddy from 22.10.2023. The respondent as per Clause 13 of the policy has right to reduce allotment of paddy if a miller fails to lift the paddy. The respondents during the course of hearing produced few letters indicating that millers were issued notice in terms of Clause 13(k) of the policy, however, there is nothing on record disclosing that the order in terms of said clause was passed. The impugned memo has created incentive in favour of the millers who did not participate in the strike and lifted paddy during 18.10.2023 to 20.10.2023, however, it does not curtail already allocated paddy in terms of agreement executed between the parties.*

7. *In the absence of speaking order passed by competent authority in terms of Clause 13 of the policy, the respondents are bound to honour agreement executed between the parties. Thus, respondents are directed to*

allot paddy to petitioners in terms of the agreement executed between the parties.

8. *Adjourned to 12.12.2023.*

9. *A photocopy of this order be placed on the file of other connected case.”*

2. Learned State counsel submits that respondents, pursuant to above-quoted order, has allotted paddy as per agreement executed between the parties, thus, the present petitions have rendered infructuous.

3. Learned counsels for the petitioners do not dispute the statement made by learned State counsel.

4. In the wake of statements of both sides, the petitions stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

12.12.2023
paramjit

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