



2025:AHC:178385-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 33610 of 2025

M/S Sonu Industries Hallaur Dumariyaganj Center
And Another

.....Petitioner(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Shailesh Kumar Tripathi
Counsel for Respondent(s)	:	C.S.C.

Court No. - 3

HON'BLE SAUMITRA DAYAL SINGH, J.
HON'BLE INDRAJEET SHUKLA, J.

1. Heard Sri Shailesh Kumar Tripathi learned counsel for the petitioner and Sri Mukul Tripathi learned Standing Counsel for the State.

2. Present petition has been filed for the following relief:

"i- Issue a writ order or direction in the nature of Certiorari quashing the impugned attachment order dated 2-6-2025 issued for attachment of property of M/S Chaurasiya Rice Mill Kapiya Lohti by respondent no.6 through R.C. Prapatra 38 and 36 dated 30.04.2025 and dated 16-8-2023 through letter no. 545/ J.KH.V.Aa./dha.kha/2011-12 dated 16-8-2023 for recovery of Rs. 14685448.518 issued by office of District Food and Marketing Officer, Siddharth Nagar [Annexure no. 1 to this writ petition].

ii- Issue a writ order or direction in the nature of Mandamus commanding the respondents not to dispossess to petitioner nor made any recovery to the petitioners pursuant to impugned attachment order dated 2-6-2025 of property of M/S Chaurasiya Rice Mill Kapiya Lohti by respondent no.6 and recovery of Rs. 1449548 through RC Prapatra-36 and order dated-16-8-2023 through letter no. 545/J.KH.V.Aa./dha.kha/2011-12 dated-16-8-2023 for recovery of Rs. 14685448.518 issued by office of District Food and Marketing Officer, Siddharth Nagar [Annexure no. 1 to this writ petition]."

3. In similar facts, **Writ-C No. 35006 of 2025 (M/S Kumar Industries Vs. State Of U.P. And 4 Others)** has been decided vide order dated 07.10.2025 on the following terms:

"6. Having heard learned counsel for the parties and having perused the record, paragraph 67 of the M/s Maa Bhawani Rice Mill (supra) read as below:

"67. Thus, after taking into consideration the entire facts and circumstances, and while balancing individual interest of the petitioners on one hand, and the public interest on the other hand, we consider it expedient to direct the petitioners to deposit the price of paddy/ proportionate price of CMR @ Rs.1611.93 per quintal with the State Government within a period of one month from today. The

petitioners will make a self calculation of the amount as per the figures of deficit CMR given in the impugned orders and deposit the same within the period stipulated above, without prejudice to their rights and contentions before the arbitrator. Amount already deposited under interim order of this Court or in pursuance of the recovery certificates issued in particular cases, shall be adjusted while calculating the amount due, to be deposited under this order. Only, on such deposit being made, all recovery proceedings and consequential action, including orders debarring/ blacklisting the millers from future hulling shall remain in abeyance. The Principal Secretary, Food and Civil Supplies will proceed to adjudicate upon the rival claims of the parties. The State Government as well as petitioners are free to file their respective statement of claims before the Arbitrator, who shall make all endeavour to conclude the arbitration proceedings within a further period of six months, uninfluenced by any observation made in this judgment. Recovery of any further sum from petitioners shall abide by the final outcome of the arbitration proceedings. Those who fail to deposit the price of paddy at the rate and within the timeframe as stipulated above, their writ-petitions will be deemed to be dismissed. In some cases, the petitioners have raised dispute regarding quantity of paddy received and / or the quantity of deficit CMR. It shall be open to those petitioners to raise such dispute also before the Arbitrator, but for making deposit of the amount as directed by this Court, the figures mentioned in the impugned orders will be assumed to be correct, failing which their writ petitions will be treated to be dismissed."

(emphasis supplied)

7. Clearly, the remedy of arbitration was provided to the petitioner, conditionally. It could arise and be made available to the petitioner subject to its making pre-deposit of the proportionate price of CMR @ Rs. 1611.93 per quintal for 1620 quintals. Thus, the total amount required to be deposited by the petitioner would be Rs. 26,09,820/-. The petitioner has not made that deposit. However, his arbitration case has been registered and is pending.

8. Independent of the issue of maintainability of the arbitration proceedings, in absence of that pre-deposit being made, the interim protection granted by the coordinate bench in M/s Kumar Industries (supra) i.e. earlier petition filed by the present petitioner is not available. Thus, recovery proceedings do not suffer from any legal infirmity or doubt.

9. Prayer made for payment through installment at this stage cannot be accepted as the petitioner has slept over the earlier order passed in its favour, eleven years ago. Therefore, no indulgence may be granted to such a litigant.

10. Writ petition is devoid of merit and is accordingly dismissed."

4. For the same reason, present petition is **dismissed**.

(Indrajeet Shukla,J.) (Saumitra Dayal Singh,J.)

October 8, 2025

Faraz