

CWP No.5976 of 1993

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.5976 of 1993
Date of decision: 27.01.2015

M/s Gold Rice Mills, Amritsar

....Petitioner

Versus

State of Punjab and others

....Respondents

CWP No.15315 of 1992

M/s Dasmesh Trading Company

....Petitioner

Versus

The State of Punjab and others

....Respondents

CWP No.5977 of 1993

M/s Devgun Trading Co., Amritsar

....Petitioner

Versus

State of Punjab and others

....Respondents

CWP No.5978 of 1993

M/s Punjab Rice Mills and others

....Petitioners

Versus

The State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?
- 2) To be referred to the Reporters or not ?
- 3) Whether the judgment should be reported in the Digest ?

Present: - Mr. Dilraj Singh, Advocate, for the petitioners.
Dr. Deepa Singh, Addl. A.G., Punjab.

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PARAMJEET SINGH, J. (ORAL)

This order will dispose of CWP No.5976 of 1993 titled 'M/s Gold Rice Mills, Amritsar v. State of Punjab and others', CWP No.15315 of 1992 titled 'M/s Dasmesh Trading Company v. The State of Punjab and others', CWP No.5977 of 1993 titled 'M/s Devgun Trading Co., Amritsar v. State of Punjab and others' and CWP No.5978 of 1993 titled 'M/s Punjab Rice Mills and others v. The State of Punjab and others' as common questions of law and facts are involved.

For sake of reference, facts are being taken from CWP No.5976 of 1993.

The petitioner claims that it is registered under the Punjab General Sales Tax Act, 1948 and under the Central Sales Tax Act and is also the licence holder under the Punjab Food Grains Dealers Licensing and Price Control Order, 1978. The main business of the petitioner is to purchase paddy from the market in the State of Punjab for the purpose of shelling the same into rice. 75% of the rice after shelling is procured by the respondents in terms of the Punjab Rice Procurement (Levy) Order, 1983.

It is averred in the petition that the Government had provided special assistance to the farmers for sale of their paddy to millers before 13.10.1989 at the rate of ₹10/- per quintal for each variety of paddy and the farmers, who had sold their paddy at the old support price but less than the revised support price, were to be paid the difference only i.e. the revised support price minus the original price paid to the farmers in the

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shape of special assistance. This was in order to give special assistance to the farmers in the form of support price for their paddy produce sold by them to the millers or other dealers. Food Corporation of India issued a telex/telegram on 13.10.1989, fixing the revised rates of rice. Copy of the same is annexed with the petition as Annexure P-1. As per this, the rice procured from the millers upto 12.10.1989 was to remain same as was before 12.10.1989. The rice procured after 12.10.1989 was to have two different prices. The paddy which was procured upto 12.10.1989 and the rice shelled out of the same was to be procured at the old rates and the paddy purchased after 12.10.1989 was to carry different rates. The petitioner would term this to be an arbitrary and, thus, has challenged the same. It is pleaded that the rice, which is procured by the respondents, should carry the same price which is prevalent at the time of procurement of the rice and the respondents cannot be allowed to make payment at two different rates, when the commodity is the same. Plea is that there can't be two different rates for the purchase of paddy and so there cannot be two different rates for purchase of rice by the respondents.

I have heard learned counsel for the parties and perused the record.

In view of admission of similar writ i.e. CWP No.489 of 1991, CWP No.15315 of 1992 was admitted on 20.11.1992 and was ordered to be listed with CWP No.489 of 1991. CWP Nos.5976, 5977 and 5978 of 1993 were admitted on 27.05.1993 and were ordered to be heard along

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with CWP No.15315 of 1992.

Registry has reported that CWP No.489 of 1991 has been disposed of vide order dated 05.07.2011 by common judgment passed in CWP No.1949 of 1991. The judgment passed in CWP No.1949 of 1991 has also been placed on record.

Learned counsel for the parties are *ad idem* that matter involved in the present writ petitions is squarely covered by the judgment passed in ***CWP No.1949 of 1991*** titled ***M/s O.K. Rice Mills, Dasuya, District Hoshiarpur and others v. The State of Punjab and others*** on 05.07.2011.

Accordingly, following the reasons mentioned in ***M/s O.K. Rice Mills, Dasuya*** (supra), instant petitions are disposed of in same terms.

(Paramjeet Singh)
Judge

January 27, 2015
R.S.