

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

**CWP No. 17152 of 2014.
Date of Decision : 21.08.2015.**

M/s Mehar Rice Mill

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Karan Gupta, Advocate for the petitioner.

Mr. S.S. Chandumajra, Addl. Advocate General, Punjab.

Mr. Sumit Jain, Advocate for respondents No. 4 and 5.

Paramjeet Singh, J. (Oral)

Reply on behalf of respondents No. 4 and 5 has been filed.

The same is taken on record.

The instant Civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ of mandamus directing the respondent-authorities to consider the case of the petitioner for allotment of paddy for custom milling on behalf of the State Procurement Agencies.

I have heard learned counsel for the parties and gone through the written statement filed on behalf of respondents No. 4 and 5 as well as reply filed by respondents No. 1 to 3.

As per the reply filed by respondents No. 1 to 3, petitioner firm was allotted to respondents No. 4 and 5 for the purpose of custom milling of paddy for crop year 2002-2003, however, the petitioner firm failed to adhere to the terms and conditions of the agreement and did not supply the rice within the prescribed period and as per specifications. In view of this, a sum of Rs. 30, 49, 060/- was due against the petitioner firm for the crop year 2002-2003 and still the same has not been paid by the petitioner. The petitioner has been held to be a defaulter. It has further been mentioned in the reply that a criminal case under Section 406 of the Indian Penal Code was registered against the petitioner, in which the petitioner was convicted by the learned Sessions Judge, Patiala vide judgment dated 23.08.2012. The Revision filed against the said judgment is still pending adjudication.

Keeping in view the fact that the petitioner is a defaulter and the claim of the petitioner has already been rejected, I do not find any justification to grant the relief as prayed for, to the petitioner.

Dismissed.

August 21, 2015.
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(PARAMJEET SINGH)
JUDGE