

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

CM-2385-2015 in CWP-24967-2014
Date of Decision : 02.03.2015

PICCADILY AGRO INDUSTRIES LTD.

..... Petitioner

Versus

STATE OF HARYANA AND OTHERS

..... Respondents

CORAM HON'BLE MR. JUSTICE K.KANNAN

1. Whether reporters of local newspaper may be allowed to see judgment?

2. To be referred to reporters or not?

3. Whether the judgment should be reported in the digest?

Present: Mr. M.L. Sarin, Sr. Advocate with
Mr. Nitin Sarin, Advocate
for the petitioner.

Mr. Amar Vivek, Addl. A.G., Haryana.

Mr. Akshay Bhan, Sr. Advocate with
Mr. Gurinder Singh Sandhu, Advocate
for respondent No.4.

Mr. Ritesh Aggarwal, Advocate
Mr. Rachit Kaushal, Advocate for the applicant.

K.Kannan, J (Oral)

The application is filed by the petitioner for correction of certain portions in the judgment delivered by this Court on 29.12.2014. The petitioner states that the Court, while paraphrasing the arguments of the petitioner's counsel, has made reference to an alleged intervention of the Minister of Agriculture for the decision but actually what the petitioner has stated and what was argued in Court was that the Minister of Food and Supplies had made the intercession as found in Paragraph 28(1)(i) of the writ petition. The counsel for the respondent has serious objection to what is seen otherwise to be an innocuous correction. The counsel points out that the order that was brought for challenge was one issued under the

Chairmanship of Sh. Om Prakash Dhankar, Agriculture Minister, Haryana and this Court, when it made a reference to the Minister of Agriculture in Para 2 and 3, it was discarding the case of alleged intervention as Minister of Food and Supplies. The counsel would also argue that the State is on appeal against this judgment and correctness of this judgment is being assailed on the alleged untenability of the reasoning that the Agriculture Minister could not have been swayed by any intervention of the Minister of State for Food and Supplies and the ground which is available to the State to argue regarding the correctness of the decision as regards the findings of bias of the Minister of Agriculture will be seriously undermined, if the correction is ordered, substituting the reference to the Minister of Agriculture as Minister of State for Food and Supplies. The counsel would also state that if at all the correction is to be made, the mistake was nothing clerical about it and it was an issue of reasoning which contained an error of apparent on the face of record which should have been modified within 30 days. The application is being moved beyond the said period.

If there is a reference in my order about the counsel's submission and not a reasoning adopted by this Court, then best method of assessing what should have been argued is to go to the averment in the petition itself. If the petition made a reference to the fact that the intervention had been made by the Minister of State for Food and Supplies, as stated in Para 2, I have to gather what the petitioner was contending for only from the petitioner itself if there was a mismatch between what is averred in the petition and what I have stated in my order which is not in the nature of reasoning in the judgment, then it should only be taken as a mistake that would require to be corrected. So appraised, I find the reference to the intervention

of Minister for Agriculture that occurs in Para 2 and 3 in the judgment are mistakes that are liable for correction as clerical in nature, which do not go into the realm of reasoning at all. If I have dealt with the proceedings of the Sugarcane Board and assessed the decision of the Board to be spirited by bias, the reasonings as are adopted elsewhere making reference to the Chairman of the Board would continue to that extent. I will not hasten to explain the judgment which I have delivered. It should be understood the manner in which it is capable of being understood. This matter must merely be restricted to the correction of an error or what I believe to be clerical and that can be modified at any time without any impediment as to time, irrespective of whether an appeal has been filed against this judgment or not.

The application is ordered as prayed for.

(K. KANNAN)
JUDGE

March 02, 2015
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