

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.4276 of 2013

Date of Decision.20.01.2015

M/s Sohan Industries

.....Petitioner

Versus

The State of Haryana and others

.....Respondents

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

Mr. Keshav Gupta, AAG, Haryana.

Mr. K.K. Gupta, Advocate
for respondent Nos.3 to 6.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ? No
2. To be referred to the Reporters or not ? No
3. Whether the judgment should be reported in the Digest? No

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K. KANNAN J. (ORAL)

1. The petitioner is aggrieved at the black listing of the petitioner rice mill on the ground that the goods alleged to have been supplied to the State as per the contract after milling did not conform to the requisite specifications. The Food Corporation of India took a decision to reject the supplies effected on assessment made by the lab that the standard did not conform to the specifications and this was put in challenge to the Appellate Authority by the petitioner. It appears that a fresh testing had also been undertaken and it was stated that it did not conform to the specifications. The petitioner had his own assessment done through a private agency that returned a result which was different. The tabulation of the results as found by the petitioner through the private agency and the test done by the State is brought out in the

petition itself which is as under:-

Parameters	As shown by the FCI, Karnal respondent No.4	Petitioners sample results from outside approved lab	Prescribed allowed maximum limit % age Grade A-Rice Raw
Damaged	3.8%	0.4%	3.0%
Discoloured	2.75%	0.6%	3.0%
Dehusked	10.8%	Nil	12%

2. I cannot take a decision on what is the correct assessment made with divergent valuations emanating from the two different reports. The justification for blacklisting cannot, therefore, be assessed on the reports which are still inconclusive.

3. The contract of supply had been only between the petitioner and the State and the State is on record to say that the goods supplied conform to the specifications and that they have no objection regarding the same. I will allow the stand taken by the State to prevail on the assessment made by the FCI and quash the blacklisting done. Any future agreement between the petitioner and the State will follow the assessment already made by the State.

4. The writ petition is disposed of as above.

(K. KANNAN)
JUDGE

January 20, 2015
Pankaj*