

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

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Civil Writ Petition No.3813 of 2015

Date of Decision: March 03, 2015

M/s Tara Chand Rice Mill

...Petitioner

Versus

The State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

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

AUGUSTINE GEORGE MASIH, J. (ORAL)

It is the contention of the counsel for the petitioner that the petitioner was given paddy of 49,983.15 Kgs. of which 67% was to be milled and returned to the Food and Supply Department, Haryana. This 67% would come to 33,488.71 Kgs. Petitioner delivered 23,702.67 Kgs. of rice after milling, which was accepted by the respondent-department. 9786.04 Kgs. of the remaining rice was to be delivered by 31.07.2014, which period was extended up to 31.10.2014. In the meantime, the petitioner offered the said rice but because of non-availability of the space with the respondent-department, the said rice was not accepted and the petitioner was intimated that time is being extended further by the Food Corporation of India for deposit of rice. When the petitioner came to know that the time is not be further extended, it tendered the rice in the last week of October, 2014, which the department found to be not of the required specification. The petitioner thereafter offered the delivery of the balance rice from its sister concern M/s Bhagwati Rice Mills, Ratia, District Fatehabad but the same was not accepted. Petitioner then offered the payment of cost of the

remaining rice, which has also not been accepted by the respondent. Coercive steps have been taken against the petitioner-rice mill by the respondent and now auction is proposed to be carried out not only of the rice but the mortgaged property also and the claim is being made for an amount, which is excessive. He has referred to the impugned notice dated 23.01.2015 (Annexure P-14), which is the final chance and it is mentioned therein that it is a notice for auctioning the mortgaged property for not giving the delivery of balance rice of Kharif year 2013-14. In response thereto, the petitioner-rice mill has addressed a communication dated 06.02.2015 (Annexures P-15 and P-16) to the Chief Director, Food and Supply Department, Haryana and the Financial Commissioner, Food and Supply Department, Haryana respectively for the payment of the amount due and the process through which the petitioner intends to discharge its liability. The said representation has not yet been decided and the petitioner-rice mill is apprehensive that the auction would be conducted of the mortgaged property. He, therefore, contends that the petitioner at this stage would be satisfied if a direction be issued to respondent No.2-The Director General of Food and Supply Department, Haryana to consider and decide the proposal dated 06.02.2015 (Annexure P-15) within some specified time and the auction of the mortgaged property may not be conducted as no date has been fixed for the said purpose till date.

In view of the submission made by the counsel for the petitioner, the present writ petition is disposed of with directions to respondent No.2-The Director General of Food and Supply Department, Haryana to consider and take a decision on the proposal dated 06.02.2015 (Annexure P-15) at an early date. In case no date of auction has been fixed

and the auction has also not been conducted of mortgaged property, the same shall not be proceeded with till a final decision is taken on the proposal dated 06.02.2015 (Annexure P-15).

March 03, 2015

Puneet

**(AUGUSTINE GEORGE MASIH)
JUDGE**