

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

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Civil Writ Petition No.6523 of 2015

Date of Decision: April 08, 2015

M/s Guru Teg Bahadur Rice Mill

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sunil Chadha, Senior Advocate
with Ms. Swati Verma, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

It is the contention of the learned senior counsel for the petitioner that the petitioner has already been blacklisted/banned for the next three years. This contention of the learned senior counsel for the petitioner appears to be without any basis, as all the documents, which have been placed on record, do not indicate that there is such an order either banning the petitioner specifically for the next three years or there has been any blacklisting as of now except for the proposal, which has been sent by the officials of the FCI, copy whereof dated 16/16.12.2014, 19.02.2015 10.03.2015 and 11.03.2015 has been appended as Annexures P-3, P-4, P-10 and P-11 respectively. It is in fact the submission of the learned senior counsel for the petitioner that in the absence of any ban, the order of recovery dated 27.03.2015 (Annexure P-14) also cannot be sustained.

In view of the above factual assertions, as has been made by the petitioner in the present writ petition and keeping in view the fact that the

impugned communication dated 27.03.2015 (Annexure P-14) is only a show cause notice as of now for recovery, the petitioner may file a detailed reply to the same highlighting therein the assertions with regard to the non-availability of any order of blacklisting/banning for three years, this Court is sanguine that if the response is made to the said fact, the competent authority shall look into the same and pass a speaking order in this regard. In case the claim of the petitioner, as has been submitted in response to the show cause notice is accepted, further steps, which the petitioner may be advised, may be availed with regard to the restoration of paddy for the year 2014-15 for milling purposes.

The writ petition is disposed of with above observations.

April 08, 2015
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE