

Civil Writ Petition No. 21539 of 2016

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

**Civil Writ Petition No. 21539 of 2016
Date of Decision: 18.10.2016**

M/s Luxmi Traders, Village & Post Office: Gandhuan, Tehsil Sunam,
District Sangur through its Parnter Pavitar Singh

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Arihant Jain, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Present writ petition is directed against the order dated 21.9.2016
(Annexure P-10) passed by the Director, Food, Civil Supplies and Consumer
Affairs, Punjab-respondent No.2, whereby allotment of paddy for the year
2016-2017 to the petitioner-Rice Mill was declined.

Heard learned counsel for the petitioner.

It is a matter of record that Central Bureau of Investigation
(‘CBI’ for short), made certain recommendations for taking appropriate
action against numerous similarly situated rice mills in the State of Punjab,
as per its enquiry report dated 27.6.2013. The recommendations made qua
the petitioner in para 6.5 of the report furnished by the CBI, read as under:-

*“Direct the Department of Food, Civil Supplies
and Consumer Affairs, Punjab and FCI to blacklist M/s*

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Luxmi Rice Traders, Gandhuan, Sangrur (new mill-M/s Benipal Rice Mills, Gandhuan) for a further period of 3 years or any further action as deemed fit as no payment has been made for lease. The premises of M/s Laxmi Rice Traders, Ganduan, Sangrur was given on lease to M/s Benipal Rice Mill on lease for 2 years for a sum of Rs. 1,15,000/- per annum but no payment has been made till date by the lessee mill to the original mill, establishing that the transaction was sham, which was reflected only on papers only.”

The abovesaid recommendations made by the CBI were directed to be implemented by this Court vide its order dated 19.9.2013 passed in CWP No.4179 of 2012 (M/s SID Rice Mills Vs. State of Punjab and others) (Annexure P-3). In compliance of the abovesaid order passed by this Court, petitioner-Mill was banned for a period of three years, vide order dated 27.12.2013 passed by the Commissioner, Food, Civil Supplies and Consumer Affairs, Punjab, which was never challenged by the petitioner. However, before expiry of the abovesaid period of three years, petitioner moved a representation dated 28.8.2016 (Annexure P-9), seeking allotment of paddy for the current year 2016-17.

While considering the abovesaid representation moved by the petitioner, the Director, Food, Civil Supplies and Consumer Affairs, Punjab-respondent No.2 passed the impugned order, observing as under:-

“In reference to the letter under reference, it is informed to you that M/s Luxmi Traders, Gandhuan, Sangrur, has been black-listed in compliance of the report of the CBI dated 27.6.2013 and the order dated 19.9.2013 of the Hon’ble High Court of Punjab and High Court in

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*Civil Writ Petition No. 4179/2012, vide order of the
Department vide this office Endst. No. PA/CFS-2013/8393
dated 27.12.2013. Thus, the time period of this black-listed
mill, has not expired.”*

When confronted with the abovesaid fact situation, learned counsel for the petitioner had no answer and rightly so, it being a matter of record. Further, once the period of three years has not expired so far, which shall expire on 27.12.2016, coupled with the fact that petitioner did not challenge the abovesaid order Annexure P-4, no relief can be granted to the petitioner, at this stage.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that instant writ petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, present writ petition stands dismissed, however, with no order as to costs.

18.10.2016
Ak Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No