

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 27144 of 2015 (O&M)
Date of decision: 16.2.2016

R. S. Rice & General Mills

.. Petitioner

v.

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Parveen K. Kataria, Advocate for the petitioner.

...

Rajesh Bindal J.

Challenge in the present petition is to the letter dated 26.8.2015 (Annexure P-10), vide which the petitioner was informed that it will not be considered for allotment of paddy for shelling for the coming season till such time he deposits a sum of ₹ 74,71,912/-.

The contention of the petitioner is that the amount is stated to be due for the year 2004-05 and there had been changes in the partners in the petitioner-firm, hence, the petitioner cannot be penalised for default for that period, as none of the partners, who were there in the year 2004-05, is presently a partner.

After hearing learned counsel for the petitioner, I do not find any reason to interfere in the present petition. It is not in dispute that the firm is carrying on the business since beginning under the name and style of R. S. Rice & General Mills. There may be changes in the partners of the

firm from time to time. Some partners may have retired and new may have joined but the firm and its partners are liable for all previous acts, hence, the petitioner cannot be permitted to claim that it has no relation with the work carried out by the firm, once the name and style of the firm has not been changed.

The number of changes and the frequency at which these were made in the partnership firm show that the same were for oblique purposes.

The details of frequent changes in the partnership firm from 2003 till 2009, as provided in the petition are extracted below:

“1.6.2003: Petitioner was re-constituted with following partners:

1. Sh. Gulshan Kumar son of Sh. Bhagwan Dass
2. Sh. Amit Arora son of Sh. Gulshan Kumar
3. Smt. Sunita Rani son of Sh. Rakesh Kumar
4. Sh. Parwinder Singh
5. Smt. Surjeet Kaur wife of Sukhwinder Singh
6. Sh. Sukhwinder Singh son of Sh. Lal Singh

1.7.2006 Another partnership deed was executed on 1.7.2006 with following partners:

1. Sh. Gulshan Kumar son of Sh. Bhagwan Dass
2. Sh. Amit Arora son of Sh. Gulshan Kumar
3. Smt. Sunita Rani son of Sh. Rakesh Kumar
4. Sh. Avtar Singh son of Sh. Mukund Singh
5. Sh. Rohit Kumar son of Sh. Gulshan Kumar
6. Sh. Amarjit Singh son of Sh. Baldev Singh
7. Sh. Sukhwinder son of Sh. Mangal Singh
8. Sh. Harmit Singh son of Sh. Teja Singh

1.9.2006 New partnership deed dated 1.9.2006 was executed with the following partners:

1. Sh. Amarjit Singh son of Sh. Baldev Singh
2. Sh. Sukhwinder son of Sh. Mangal Singh
3. Sh. Harmit Singh son of Sh. Teja Singh

1.4.2009: New partnership deed was executed with the following partners:

1. Sh. Amarjit Singh son of Sh. Baldev Singh
2. Sh. Harmit Singh son of Sh. Teja Singh
3. Sh. Teja Singh son of Sh. Bachitar Singh”

For the reasons mentioned above, the writ petition is dismissed.

(Rajesh Bindal)
Judge

16.2.2016
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