

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.2021 of 2015 (O&M)
Date of decision: August 10, 2017

M/s Friends Rice Mills ...Petitioner

Versus

State of Punjab & others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sanjay Kaushal, Senior Advocate with
Mr. Aman Dhir, Advocate for the petitioner.
Mr. Vikas Mohan Gupta, Addl. Advocate General, Punjab.
Mr. Nitin Kaushal, Advocate for respondents No.2, 4 & 5.

Rajan Gupta, J.

Petitioner has sought a writ in the nature of mandamus to grant 2793 Metric Tons of paddy to it for milling, as it is entitled to same as per Custom Milling Policy/Draft Agreement for Kharif Marketing Season 2014-15 and agreement executed in respect thereof.

It has been vehemently urged on behalf of the petitioner that performance of petitioner firm has always been good. However, it has been suffering due to lack of supply of adequate paddy for milling. This has resulted in losses to the petitioner firm.

Stand of the State is that the agreement does not envisage any minimum guarantee of paddy to be supplied to a milling firm for shelling. It is contingent upon the quantity of procurement in a particular season. Besides, equitable distribution is done by the answering respondents.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

It is evident that there is a Custom Milling Policy prevalent in the State of Punjab. The paddy is allotted to the rice miller according to the policy for milling. Stand of the State is that petitioner was allotted the paddy in terms of the prevalent policy. I am of the considered view that there is nothing on record to show that decision was taken by the answering respondents arbitrarily or petitioner was singled out or discriminated against while allotting the paddy for milling. Counsel for the petitioner also pressed for grant of adequate compensation for the losses suffered by it. I do not find any ground to accept this prayer as same is misconceived. It was open to the petitioner to seek alternative remedy as disputed questions of fact are involved. There is no ground to interfere in the writ jurisdiction.

Dismissed.

(RAJAN GUPTA)
JUDGE

August 10, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No