

CWP-21548-2014

Date of Decision : 18.01.2017

Randheer Singh and others

.....Petitioners

versus

State of Punjab and others

....Respondents

**CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI****Present:** Mr. Ashish Verma, Advocate  
for the petitioners.

Ms. Anu Pal, Asstt.A.G., Punjab.

Mr. Vikas, Advocate  
for respondents No. 4 to 6.**M.M.S. BEDI, JUDGE (ORAL)**

Petitioners, through instant petition, seek a direction to respondent No. 4, Punjab State Warehousing Corporation to issue Milling Clearance Certificate/No Due Certificate to the petitioners for the paddy allotted to their partnership firm, pertaining to the year 2012-13.

In the reply filed by respondents No. 1 to 3, it has been mentioned that no dues certificate is issued by the agencies pertaining to the millers for the previous year prior to seeking the allotment of the paddy for the next year.

Since petitioners did not submit No Due Certificate issued

by the Punjab State Warehouse Corporation, agency of the previous year, therefore, the petitioners are not eligible to apply for the allotment of paddy for the year 2014-15. Regarding No Due Certificate for the year 2012-13, it is mentioned in para 5 of the reply of respondents No. 1 to 3 that, as and when, petitioners' Mill produces all the required documents as per the Custom Milling Policy (CMP) of 2014-15, only then their claim for allotment of paddy for the year 2014-15 can be considered.

It is an admitted fact that the petitioners had opted not to apply for the allotment of paddy for the year 2014-15, as such the claim could not be considered. The petitioners are aspirants for the allotment of paddy in the subsequent year i.e. 2016-17. All the pleas seeking Milling Clearance Certificate/No Due Certificate, mentioned in the petition, can be taken up by the petitioners while applying for the allotment of paddy for the next session i.e. 2017-18. As per the plea of District Controller Food Supplies Consumer Affairs, Moga, in his affidavit, claim of the petitioners will be decided under the Custom Milling Policy.

Taking into consideration the claim of the petitioners for No Due Certificate, on the basis of their alleged previous clean record, it is directed that the claim of the petitioners will be decided expeditiously, in advance, so that the right of the petitioners to claim legal remedy is not prejudiced. It is expected that the pleas taken in para 4 and 5 regarding the procedure of issuance of No Due Certificate etc. will be

adhered to, in letter and spirit, as the petitioners have got a right under Article 19 (1) (g) of the Constitution of India to carry on their business and profession without any unnecessary obstruction by the State authorities.

Disposed of in the above terms.

(M.M.S. BEDI)  
JUDGE

18.01.2017  
Neha

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