

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.23738 of 2017
Date of decision:13.10.2017

M/s Aggarwal Rice Mills

...Petitioner

Versus

State of Punjab and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Tribhawan Singla, Advocate,
for the petitioner.

Rakesh Kumar Jain, J. (Oral)

This petition is filed by one Basant Kumar S/o Des Raj for seeking a writ in the nature of *mandamus*, directing the respondents to allot paddy to the petitioner as per the Custom Milling Policy for Kharif Marketing Season 2017-18 (hereinafter referred to as the “milling policy”).

Counsel for the petitioner has not denied that aforesaid Basant Kumar is the partner of M/s Jai Mahavir Rice Mill, who has leased out the rice mill to one M/s Kanahiya Rice Mill for one year from 01.09.2011 to 31.08.2012. The said M/s Kanahiya Rice Mill was allotted paddy for the crop year 2012-13 and has been declared defaulter. The matter was referred to the arbitrator and arbitral award dated 30.07.2014 has also been passed against M/s Kanahiya Rice Mill.

Counsel for the petitioner has also not denied that as per Clause 11(H)(c) of the milling policy, if the petitioner is a partner of the firm who has leased out its premises and the lessee is held to be defaulter, then the petitioner would also suffer and the firm of the petitioner would not be considered for allotment of paddy.

In view thereof, I do not find any reason to interfere in this petition and hence, the same is hereby dismissed.

October 13, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking : Yes/No

Whether reportable : Yes/No