

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

LPA No.1219 of 2016 (O&M)

Date of Decision : 28th August, 2017

Food Corporation of India

..... Appellant

Versus

M/s Bajrang Rice Mill and others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI**

Present : Mr. K.K.Gupta, Advocate for the appellant.

Mr. Puneet Gupta, Advocate for respondent No.1.

Mr. Samarth Sagar, Addl. A.G., Haryana.

Ms. Nikita Bansal, Advocate
for Mr. Nitin Kaushal, Advocate
for respondent No.5.

MAHESH GROVER, J. (Oral)

This appeal is directed against the judgment dated 24.02.2016, passed by the learned Single Judge where the respondent M/s Bajrang Rice Mill had questioned the decision of the FCI in not allocating the paddy for the year 2015-2016 on the ground that after CBI conducted inquiry of defaulting mills having caused loss to the exchequer. They found M/s Rishi Rice Mills to be one of the defaulter. The respondent as a writ petitioner had questioned the non-allocation of the paddy for the said period and the learned Single Judge vide impugned order noticed that the default had been made good which would have enabled the respondent for consideration in terms of the policy.

The appellant in turn questions the findings of the learned

created as a front to the defaulting Mill as the composition of the partners would reveal.

Be that as it may, considering the fact that the policy is for year to year, the present appeal and the controversy raised therein is largely rendered infructuous with the efflux of time. The observations of the learned Single Judge would still enable the respondent-M/s Bajrang Rice Mill to a right of consideration for the next year. The appellant would indeed be at liberty to do so and give appropriate reasons to accept or reject the claim of the respondent-Mill. We are also of the opinion that these are transactions which are commercial in nature, even though the Government Agency is involved. Therefore to safeguard their own interest, the previous conduct of any mill would be a relevant factor to grant or decline the claim for milling. As on today nothing adverse is against the respondent. In case the appellant grants consideration to respondent No.1-Mill to negate it, it would apprise the reasons for it in the order adverse to the respondent if passed.

Therefore, with the aforesaid observations, the instant appeal stands disposed of.

(MAHESH GROVER)
JUDGE

(RAJ SHEKHAR ATTRI)
JUDGE

28th August, 2017
mamta-M

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No