

LPA no. 141 of 2017 (O&M) 1

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

LPA no. 141 of 2017 (O&M)

Date of Decision :01.09.2017

M/s JPS Uttam Rice Mill Pvt Ltd.

....Appellant(s)

Versus

State of Punjab and others

...Respondent(s)

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

Present : Mr.R.S.Chauhan, Advocate for the appellant(s)

MAHESH GROVER, J.(ORAL)

This appeal is directed against the judgment of the learned Single Judge dated 5.12.2016. The appellant had sought directions that he be allotted paddy pursuant to the letter dated 21.10.2016 issued by the District Controller, Food Civil Supplies and Consumer Affairs Kapurthala. The stand of the respondents was that this officer was not authorized to make any such allocation when the procedure is prescribed in clause 11 (A), (C) and (D) of Custom Milling Policy which are extracted herebelow:-

“11.(A) Allotment of rice mills shall be made by a district level committee comprising of district heads of all the procuring agencies headed by the Deputy Director(Field) of the concerned division. District Managers of procuring agencies shall be equally responsible in case of any wrong allotment. If any agency finds any discrepancy in allotment or any violation of the

policy, they shall bring these facts to the notice of the Director, Food, Civil Supplies & Consumer Affairs, Punjab for necessary action and his decision in this regard shall be final.

(C). All the allotments of rice mills shall be completed before 15.09.2016. After this date, the allotment cases shall be sent to Director, Food, Civil Supplies & Consumer Affairs, Punjab for approval. Allotment once made, shall not be changed. Wherever any necessary change is required, it shall be done at the level of Director, Food, Civil Supplies & Consumer Affairs, Punjab.

(D). If a defaulter mill clears the government/agencies dues of the previous years(s) including Kms 2014-15 and 2015-16 to the full satisfaction of the Government, as mentioned in clause 11(B) above, it can be considered as eligible for allotment from the date all the dues are cleared. However, the rice mill shall have to obtain No Objection/Dues Certificate from all the procurement agencies.”

It was specifically averred that the District Food & Supplies Controller was not authorized to make any such allocation and looking at the procedure noticed above there could have been no deviation in the allocation of paddy. The appellant did not controvert this stand of the respondents by

document Annexure A-1 in support of his plea that proper procedure had been followed. We are afraid we are unable to appreciate the plea of the appellant, particularly, when this document does not reflect compliance of the provision under Section 11(A) as also for the reason that appellant in the first instance did not controvert the plea of the respondent by filing a rejoinder. We do not find any infirmity in the impugned order. Hence, dismissed.

(Mahesh Grover)
Judge

01.09.2017	
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No

(Raj Shekhar Attri)
Judge