

**108/2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No. 3448 of 2019
Date of decision : 25.02.2019**

Aggarwal Agro Industries and others Petitioners

versus

State of Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Gurcharan Dass, Advocate for the petitioners.

Mr.Sahil Sharma, DAG, Punjab.

Ms.Deepali Puri, Advocate
for respondent PSWC.

TEJINDER SINGH DHINDSA, J. (ORAL)

Challenge in the instant petition is to the order dated 24.12.2018(Annexure P-3) passed by the Committee with regard to shifting of paddy stock from the premises of the petitioner-rice mills to M/s Hari Om Rice Mills, Moonak.

Mr.Gurcharan Dass, Advocate, learned counsel representing the petitioners at the very outset informs the Court that a subsequent development has taken place inasmuch as the Committee has taken a fresh decision on 21.02.2019 and it is in the following terms:-

“In CWP 31134 of 2018 titled M/s Hari Om Rice Mill and another vs. State of Punjab and others, the Hon'ble court of Mr.Justice Rajan Gupta on 07.12.2018 ordered as under:-

'On request, adjourned to 13.12.2018. Meanwhile petitioners shall be at liberty to appear before the Committee stated to have been constituted for considering the issues involved.'

To comply with the orders of Hon'ble High court, notices have been issued to petitioners & respondents i.e. District Food & Supplies Controller, DM PSWC District Ludhiana and Deputy Director-cum-Chairperson, District Allotment Committee, Ludhiana for affording a personal hearing in the matter. After hearing petitioners & respondents and examining all the records relating to entitlement, allocable paddy and actual storage of paddy in the mills of Khanna milling centre, the committee found irregularities in the storage of paddy in the petitioners' mills & accordingly ordered shifting of paddy from the rice mills where excess paddy has been stored on pro rata basis in the mill of petitioner at S.No.1 & 2 (M/s Hari Om Rice & General Mills, Khanna and M/s Sandhu Rice Mill, Khanna, District Ludhiana) allotted to PSWC vide letter No. RP-2-2018/26, dated 24.12.2018 & the petition was disposed of accordingly.

It is pertinent to mention here that in a separate CWP No. 1539 of 2019 titled as M/s Ganpati Rice Mills & others vs. State of Punjab & others, some millers of Lehragaga milling centre, Sangrur filed a writ petition in Punjab & Haryana High Court against the orders of committee for shifting of paddy and the Hon'ble court on 21.01.2019 ordered as under;-

“..... In view of the above and without even examining the validity of the impugned order dated 24.12.2018 (Annexure P-3), the instant writ petition is disposed of with a direction for the Committee to afford to the petitioners as also all other stake holders/rice millers pertaining to the same milling centre an opportunity of

hearing. Same course of action be also adopted for other milling centres as well.

Final orders in pursuance to such fresh consideration and after affording an opportunity of hearing be passed within a period of three weeks from the date of passing of this order. Till then the impugned order dated 24.12.2018 (Annexure P-3) shall not be given effect to and the same would be subject to the outcome of the fresh reconsideration that has been so directed. Disposed of.'

As the Hon'ble High Court has ordered to implement the decision given in CWP 1539 of 2019 for all milling centers where paddy shifting has been ordered by Committee constituted for equitable distribution of paddy, to comply with the order of Hon'ble High Court, notices have been issued to the millers of Khanna milling centre from whose mills paddy had to be shifted and the respondents i.e. District Food & Supplies Controller, DM PSWC district Ludhiana and Chairman-cum-Deputy Director, District Allotment Committee, Ludhiana for affording a personal hearing in the matter on 06.02.2019.

The concerned millers appeared before the committee on 06.02.2019 and the respondents also appeared before the committee on the same day to put forth their version on the grievances raised by the petitioners.

On the date of hearing, the millers informed the committee that they had also filed a CWP No. 2419 of 2019 titled as M/s Aggarwal Agro Industries & others vs. State of Punjab and others and it's first date of hearing is on 07.02.2019. The millers informed the Committee that maximum shellers have completed more than 70% of milling of paddy and they need some time to file their reply and that hearing should be postponed to 11.02.2019. On 11.02.2019, the millers further

requested to adjourn till 14.02.2019 but did not submit anything thereafter.

Respondent/DM PSWC who was also present during the hearing informed the Committee that in compliance of the orders of Committee in CWP 31134 of 2018, paddy shifting orders were issued vide letter dated 29.01.2019 but could not be implemented in light of orders issued in CWP 1539 of 2019 stated above. He further informed that millers from whose paddy is to be shifted are ready to shift paddy but at book value only whereas petitioner miller of CWP 31134 of 2018 M/s Hari Om Rice & General Mill insist on for lifting of paddy at actual weight basis only. He further added that with the passage of time paddy stock has dried up and shifting of paddy on book value would cause a major loss which is not in the interest of state exchequer.

DM PSWC pleaded that custom milling is at full swing & impressed that if orders of shifting of paddy are kept intact by Committee then it will hamper the milling schedule and will cause big financial loss to State exchequer. So, he further stated that orders of shifting of paddy issued vide letter no. RP-2-2018/26, dated 24.12.2018 maybe re-considered & affirmed that PSWC is ready to compensate petitioner millers of CWP 31134 of 2018 during the KMS 2019-20 upto the quantity of paddy short supplied during KMS 2018-19 provided the said millers are found eligible for allotment as per the provisions of Custom Milling Policy 2019-20.

The Committee after a thorough reconsideration of its earlier order, rescinds its previous order issued vide letter no. RP-2-2018/26, dated 24.12.2018 in the financial interest of State exchequer. Also the Committee recommends DM PSWC to compensate the petitioner millers of CWP 31134 of 2018 during KMS 2019-20 provided said millers are found eligible for allotment as per the provisions of Custom Milling Policy 2019-20. The case is thus disposed of accordingly.

With the passage of this order the directions issued by Hon'ble Punjab and Haryana High Court to the committee to decide the writ petition also stand complied with.

A copy of this order be forwarded to all the stakeholders and case file be consigned to records.

Sd/-

Additional Director-Cum-Controller
Legal Metrology,
Govt. of Punjab

Sd/-

Additional
Director
(Finance)

Sd/-

Deputy
Director
(Rice)

Endst No. RP-5()-2019/405

Dated : 21.02.2019”

In view of the above nothing survives in the present writ petition and the same is disposed of as having become infructuous.

(TEJINDER SINGH DHINDSA)
JUDGE

25. 02.2019
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No