

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

**CWP-30058-2018 (O&M)
Date of decision-21.01.2019**

M/s Guru Nanak Rice Mill

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Arun Jindal, Advocate,
 for the petitioner.

Mr. Vikas Mohan Gupta, Addl. AG Punjab.

JITENDRA CHAUHAN, J.

This writ petition under Articles 226/227 of the Constitution of India has been filed for the issuance of a writ, in the nature of mandamus directing respondent No.4-District Controller to allot paddy for milling for the KMS 2018-19 as per legal notice dated 24.09.2018 (Annexure P-4).

Learned counsel for the petition submits that the petitioner-Mill leased out M/s Guru Nanak Rice Mills to M/s Gaurav Rice Mills, Malerkotla through its proprietor Parmod Kumar son of Faqir Chand for the year 2004-2005 and 2005-2006 vide lease deed dated 16.08.2004 (Annexure P-1). Said lessee M/s Gaurav Rice Mills was defaulter on account of Beyond Rejection Limits (BRL) by the CBI. Thereafter, said Parmod Kumar submitted an affidavit dated

08.01.2007 (Annexure P-2) that he would be responsible for any

loss/dues of the Govt. Agency during the period from 2003-04, 2004-05 and 2005-06. Learned counsel further submits that the petitioner-Mill was duly registered with the respondent-department by depositing the requisite fee. However, no allotment of paddy was made to the petitioner firm for the last 10 years despite the fact that petitioner-Mill was never a defaulter at any stage, as it neither stood as guarantor nor entered into any agreement with the Department/Agency.

Heard.

Learned State counsel informs that the period (i.e. Kharif 2018-2019), for which the prayer has been made has already elapsed. He further informs that the Mill was leased out in favour of M/s Gaurav Rice Mill which is not impleaded as respondent in the present petition. M/s Gaurav Rice Mill was declared defaulter of PUNSUP and as per the policy, a defaulter cannot be considered for allotment of the paddy. It is further informed that Proprietor Parmod Kumar to whom the Mill was entrusted, has also not been impleaded as a party to the present petition.

In view of the statement made by learned State counsel and after going through the records, the Court feels that the petitioner-Mill is a defaulter within the meaning of the policy being the owner party of M/s Gaurav Rice Mills, which is admittedly a defaulter of PUNSUP agency for recovery of ₹74,47,897/-. Clause 7(c) of the Punjab Custom Milling Policy (Kharif 2018-2019) (in short 'Policy')

specifically provides that a miller shall also be considered as defaulter if its owner or any of its partner/member is also an owner/partner/member/lessee/lessor of another defaulter miller.

Moreover, learned State counsel has informed that Bhagwan Singh Sandhu, proprietor of M/s Guru Nanak Rice Mill (Petitioner) has transferred his share of land to one Gurdial Singh, who is proprietor of M/s Guru Nanak Rice and Agro Products, without bringing the same to the notice of the respondent-Department. Due to this transfer, fresh registration is required as mandated under Clause 3(a)(i)(b) of the policy.

In view of the above, the present petition sans merit and is hereby dismissed.

(JITENDRA CHAUHAN)
JUDGE

21.01.2019

ps-I

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No