

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

1. LPA No.122 of 2018(O&M)
Date of decision: 04.07.2019

M/s Durga Rice Mills

... Appellant

Versus

Director, Department of Food, Civil Supplies & Consumer Affairs, Punjab,
Sector-17, Chandigarh, U.T. and others

... Respondents

2. LPA No.70 of 2018(O&M)

M/s Vijay K. Gupta & Co.

... Appellant

Versus

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present: Mr. S.P. Garg, Advocate (in LPA-122-2018); and
Mr. Aman Bansal, Advocate (in LPA-70-2018),
for the appellant(s).
Ms. Lavanya Paul, AAG, Punjab.
Mr. K.K. Gupta, Advocate, for the respondent-FCI.

KRISHNA MURARI, C.J. (Oral)

These are two appeals based on identical set of facts raising common questions of law and hence have been heard together and are being disposed of by a common judgment. However, the facts are being derived from **LPA No.122 of 2018**.

This intra-court appeal under Clause X of the Letters Patent is directed against the judgment and order of the learned Single Judge dated 02.11.2017 dismissing the writ petition filed by the appellant seeking a writ in the nature of certiorari for quashing the communication dated 26.09.2017

issued by Food Corporation of India (respondent No.6) for not allotting the appellant-petitioner mill paddy for custom milling for the crop year 2017-18 on the ground that it was a defaulter inasmuch as the lessee of the petitioner to whom the mill was leased out committed a default.

A preliminary objection has been raised by Mr. K.K. Gupta, learned counsel appearing for the Food Corporation of India (respondents No.4 to 6) that the appeal is rendered infructuous inasmuch as the allotment was refused on the basis of the policy for custom milling which was in force for Kharif Marketing Season 2017-18. It is further submitted that in accordance with the said policy, every mill was required to get itself registered for allotment of paddy with the Food & Civil Supply Department of the State Government and a defaulter was not entitled to such registration for want of which the paddy could not have been allotted. He further submits that since every year new policy is enforced under which the allotment is to be made and the dispute in the case in hand since is confined to Kharif Marketing Season 2017-18, which is over long back, and thereafter two more seasons have passed, the relief being claimed is rendered infructuous. He further states that the judgment rendered by the learned Single Judge, which is under challenge in this appeal, shall in any case not stand in the way of the appellant-petitioner for either registering itself or making an application for allotment of the paddy for subsequent season inasmuch as dispute is only confined for the Kharif Marketing Season 2017-18 based on the policy for that marketing season.

In view of the above statement, we do not find any impediment in the way of the appellant-petitioner to apply for allotment of paddy in view of the new policy, which may promulgated for subsequent season, and it

shall always be open to the appellant-petitioner to challenge any adverse decision taken against him on the basis of the policy to be promulgated. In so far as the present appeals are concerned, the same are rendered infructuous and accordingly stand disposed of.

The main appeals having been disposed of, no orders are required to be passed in CM-266-2018 in LPA-122-2018 and CM-143-2018 in LPA-70-2018 seeking to place on record additional evidence.

(Krishna Murari)
Chief Justice

(Arun Palli)
Judge

04.07.2019
Rajan

Whether speaking / reasoned:	YES
Whether Reportable:	NO