

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

CWP-30208-2019

Date of decision: 18.10.2019

M/s Shiv Shankar Industries

.....Petitioner.

vs.

State of Punjab and others

.....Respondents.

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Mr. Daman Dhir, Advocate for the petitioner.

.....

Sanjay Kumar, J. (ORAL)

The petitioner-firm is aggrieved by the inaction on the part of the authorities in registering its name for the purpose of custom milling pursuant to its purchase of a rice milling unit in a public auction conducted by the Debts Recovery Tribunal, Chandigarh vide Sale Certificate dated 3.4.2019. The petitioner-firm made an application in this regard on 3.9.2019 to the District Food Civil Supplies Controller, East Ludhiana, and it complains of inaction thereon.

Mr. Dhir, learned counsel representing the petitioner-firm, would contend that the Punjab Custom Milling Policy for Paddy (Kharif 2019-2020) (for short 'the policy') would govern the issue and in terms of clause 7(i) of the policy, the petitioner-firm would be entitled to registration after passing of a speaking order by the Director, Food, Supplies and Consumer Affairs, Government of Punjab, Chandigarh.

Mr. Luvinder Sofat, Assistant Advocate General, Punjab, would however contend that clause 7(d) of the policy would bar the petitioner-firm from seeking such registration.

Mr. Dhir, learned counsel representing the petitioner-firm, would also place reliance on the Division Bench order of this Court in *CWP-20535-2017*, titled '*M/s Rajesh Trading Co. versus State of Punjab and another*', whereby the competent authority was directed to apply its mind to the facts of each individual case and the claim set up by the millers to conclude their bonafides in terms of the nature of their purchase/transaction so as to enable allocation of paddy.

As the competent authority in the case on hand is yet to take a decision upon the petitioner's application dated 3.9.2019, this Court is of the opinion that it would be premature to go into the merits of the matter at this stage.

The writ petition is accordingly disposed of directing the competent authority to apply its mind to the aforesaid application dated 3.9.2019 in terms of the policy (Kharif 2019-2020) for paddy and pass a reasoned order thereon. This exercise shall be completed expeditiously in any event, not later than two weeks from the date of receipt of a copy of this order.

No order as to costs.

(SANJAY KUMAR)
JUDGE

18.10.2019
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whether speaking/non speaking	yes
whether reportable/non reportable	yes/no