

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

CWP-31469-2019

Date of decision: 6.11.2019

Singla Rice Mills and others

.....Petitioners.

vs.

State of Punjab and others

.....Respondents.

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Mr. Siddharth Gupta, Advocate for the petitioners.

Mr. Luvinder Sofat, Assistant Advocate General, Punjab.

Ms. Deepali Puri, Advocate for PUNSUP.

Mr. A.S.Sarao, Deputy Director (Rice),
Department of Food and Civil Supplies, Punjab in person

.....

Sanjay Kumar, J. (ORAL)

This writ petition was filed seeking a direction to the authorities, viz., respondents No. 1 to 3 and 9, to direct all the government procurement agencies, arrayed as respondents No. 4 to 8, to purchase equal quantities of paddy from the purchasing centre at Sunam, District Sangrur. The allegation of the petitioners is that the Punjab Custom Milling Policy for Paddy (Khariff 2019-2020) is not being implemented in true letter and spirit.

When the matter was taken up for hearing on 31.10.2019, Mr. Ayush Sarna, learned Assistant Advocate General, Punjab, was asked to get instructions as to the implementation of the Policy.

While so, Mr. Gaurav Singla, learned counsel who filed a no objection vakalatnama on behalf of petitioners No. 1 and 2, states that he is instructed by his clients to withdraw the writ petition. The writ petition is accordingly dismissed as withdrawn insofar as petitioners No. 1 and 2

are concerned.

Mr. Luvinder Sofat, learned Assistant Advocate General, Punjab, and Ms. Deepali Puri, learned counsel representing respondents No. 4 to 6, would inform this Court that there is no violation of the Policy as alleged in this writ petition. They also produced statistics along with letter dated 3.11.2019 addressed by the Director, PUNGRAIN, Sunam Centre, to the Managing Director, Punjab State Warehousing Corporation Limited, (in vernacular), in relation to the purchase of paddy at Sunam, District Sangrur, in support of their contention. Copies thereof were also furnished to Mr. Gupta, learned counsel representing the petitioners. They would also point out that the Policy itself creates a mechanism for redressal of any grievances in relation to orders passed thereunder. They would draw the attention of this Court to Clause 24 of the Policy and more particularly, Sub Clause (a) thereof, which states that all orders passed under any of the provisions of the Policy would be only after giving written notice to the miller of the proposed action and after an opportunity of personal hearing. Sub Clause (a) further states that notice of two days would be issued to the miller and the mechanism of one adjournment would be permitted for a personal hearing. Significantly, Sub Clause (b) provides the dispute resolution mechanism in the form of a first appeal from any order passed by the District Allotment Committee and such an appeal would lie before the Director, Department of Food Supplies and Consumer Affairs, Punjab Civil Secretariat, Chandigarh. A second appeal is provided before the Principal Secretary, Department of Food Supplies and Consumer Affairs, Punjab Civil Secretariat, Chandigarh, and such a decision is treated as final and binding.

Needless to states, not only positive action, in the form of an order, would be amenable to the above grievance redressal mechanism but also any inaction on the part of the authorities in giving effect to the Policy. That being so, the petitioners can as well approach the Appellate Authority, if they apprehend that there is any shortcoming in the implementation of the Policy by the District Allotment Committee, Sangrur.

In the light of the efficacious alternative remedy provided to the aggrieved millers under the Policy itself, this Court is of the opinion that it would not be appropriate to entertain a writ petition directly in relation to such a cause. It is for the aggrieved millers to take recourse to the remedy provided to them in accordance with due procedure. Leaving it open to petitioners No. 3 to 10 to do so, the writ petition is disposed of.

No order as to costs.

(SANJAY KUMAR)
JUDGE

6.11.2019

preeti

whether speaking/non speaking

yes/no

whether reportable/non reportable

yes/no