

CWP No.32647 of 2019

Date of Decision : 08.11.2019

M/s Sran Rice Mills

.....Petitioners

versus

State of Punjab and Ors.

....Respondents

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Naresh Jain, Advocate
for the petitioner.

Mr. Ayush Sarna, AAG Punjab for
respondents 1 to 3 and 7.

Ms. Deepali Puri, Advocate for respondent No. 4, 5, 6 and 8.

SANJAY KUMAR, J. (ORAL)

The grievance of the petitioner, Sran Rice Mills, was that, by letter dated 03.11.2019 (Annexure P-4), the Assistant Food and Supplies Officer, Ferozepur Road, Moga, District Moga, State of Punjab, directed it to stop the lifting of paddy pursuant to the physical verification which was undertaken on that date. The further grievance of the petitioner was that, by letter dated 05.11.2019 (Annexure P-5), the Food and Supplies Officer, Nihal Singh Wala, Moga District, respondent No.7, called upon it to produce various documents before him within 24 hours from the date of receipt thereof for the purpose of sending a report to the higher officials.

Mr. Naresh Jain, learned counsel for the petitioner Rice Mills, would contend that this punitive action has been visited upon the petitioner Rice Mills without adhering to the procedure prescribed under the Punjab Custom Milling Policy (Kharif 2019-2020) and more particularly, Clause 24(a) thereof.

Perusal of the aforesaid clause would demonstrate that all orders are required to be passed only after written notice is given to the miller of the action proposed and an opportunity of personal hearing is also given to such miller. The clause further states that in the light of the short time line of the crop season, the notice period would be restricted to two days and a maximum of one adjournment would be given for the personal hearing.

The notice dated 05.11.2019 (Annexure P-5) is obviously a notice referable to the aforesaid clause. It is therefore for the petitioner Rice Mill to respond thereto.

Mr. Naresh Jain, learned counsel, would inform this Court that Annexure P-5 notice was received on 06.11.2019 and the response thereto, along with supporting material, would be furnished by the petitioner Rice Mills to the authorities by 5 p.m. Today. Thereupon, the authority concerned shall afford an opportunity of personal hearing to the authorized representative of the petitioner Rice Mills at 11:00 a.m. on 11.11.2019 and a reasoned order shall be passed in terms of Clause 24 (a) of the Policy by 5.00p.m. on 11.11.2019.

The petition is disposed of with the aforesaid directions.

No order as to costs.

08.11.2019

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**(SANJAY KUMAR)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No