

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

213

CWP-12384-2020

Date of decision: 01.10.2020

Maya Ram Saini

.....Petitioner

Versus

State of Haryana and others

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Harshit Anand, Advocate
for the petitioner.

Mr. Gaurav Jindal, Addl. A.G. Haryana
for respondents No.1 to 4.

Mr. Naveen Chopra, Advocate
for respondents No.5 and 6.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed present petition under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing/setting aside the impugned order dated 07.08.2020 (Annexure P-8) passed by respondent No.3 and demand list (Annexure P-6) issued by respondent No.2 qua the petitioner and writ in the nature of mandamus directing respondent No.2 to conduct fresh inspection-cum-physical verification and not to attach immovable properties and freeze bank accounts of the petitioner.

Briefly stated the petition has been filed on the averments that the petitioner is the sole proprietor of M/s Shiv Shakti Rice Mill.

On 02.10.2019 an agreement (Annexure P-3) was executed between

Government of Haryana through respondent No.4 and petitioner's firm. As per the said agreement 37635-37-500 quintals paddy was allotted to the petitioner out of which Custom Milled Rice (for short 'CMR') 25142-00 quintals (67% of the total paddy allotted) was to be delivered. The petitioner has delivered CMR weighing 20640-00 quintals and could not deliver the balance CMR within the stipulated period due to lockdown. On 13.07.2020 an official team of respondent No.4 conducted a physical verification at the rice mill of the petitioner and paddy was recorded as NIL and stock of the CMR that was available at the site was recorded as 4485-00 with 17 quintals short of the balance CMR (4502-00). Thereafter, a show cause notice was issued to the petitioner and demand list was prepared imposing penalty of recovery of Rs.69,01,950/- on the petitioner. There was no such shortage. The petitioner made representation dated 27.07.2020 to the Financial Commissioner and Secretary, Haryana, Food and Supply Department. In the meantime, respondent No.4 vide order dated 07.08.2020 (Annexure P-8) ordered to seize all the movable properties of the mill of the petitioner along with the entire paddy and rice stock without giving opportunity of being heard to the petitioner.

Vide order dated 25.08.2020, the respondents were directed to take appropriate action regarding the delivery of CMR in accordance with law/agreement between the parties.

On 28.08.2020, learned Counsel for the petitioner informed this Court that the CMR offered by the petitioner had been delivered to the FCI and there was no shortage of CMR required to be supplied by the petitioner.

Learned Counsel for the petitioner has also sent final receipt of acceptance of delivery of CMR issued by the FCI through e-mail print out of which is taken on record.

Learned State Counsel for respondents No.1 to 4 has sent copies of letter No.Clerk-4-2020/13016 dated 01.10.2020 and letter No.Clerk-4/13012 dated 01.10.2020 written by the District Food Civil Supplies and Consumer Affairs Controller, Kurukshetra to learned Advocate General, Haryana through e-mail print out of which are taken on record.

In letter dated 01.10.2016 the District Food Civil Supplies and Consumer Affairs Controller, Kurukshetra has submitted that the petitioner firm has to pay Rs.69,01,950/- for the shortage of paddy found in the physical verification dated 11.07.2020 in the premises of the petitioner firm. As the petitioner firm has delivered all the due CMR so there is nothing due against the petitioner firm of the KMS 2019-20.

In letter dated 01.10.2020 the District Food Civil Supplies and Consumer Affairs Controller, Kurukshetra has submitted that the petitioner firm has delivered all the due CMR of the KMS 2019-20 and there is nothing due against the petitioner firm of the KMS 2019-20.

Since the petitioner firm has delivered the requisite CMR to the FCI and nothing is due against the petitioner so that impugned order dated 07.08.2020 (Annexure P-8) and demand list (Annexure P-6) no longer survive and remain operative against the petitioner, no further proceedings are required to be taken and no further order is required to be passed on the present petition which has become infructuous.

Accordingly, the present petition is disposed of as having

become infructuous with the observations that impugned order dated 07.08.2020 (Annexure P-8) and demand list (Annexure P-6) no longer survive and remain operative qua the petitioner.

01.10.2020

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No