

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

101

CWP-17011-2020

Decided on : 14.10.2020

M/s Sashank Rice Mill, Naiwala Road, Barnala ... Petitioner

Versus

State of Punjab & others ... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.P.S.Dhaliwal, Advocate, for the petitioner.

Ms.Maloo Chahal, DAG, Punjab.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawal, J. (Oral)

Present writ petition, filed under Articles 226/227 of the Constitution of India, challenges the order dated 22.09.2020 (Annexure P-3), passed by respondent No.3 wherein it has been directed that paddy be not allotted for the Kharif-2019-20 to M/s Sashank Rice Mill of which the petitioner is a proprietor.

The reasoning given is that the petitioner is the owner/partner of defaulter mill, M/s Aggarwal Rice Mill, Budhlada, District Mansa. Resultantly, paddy was not been allotted by the District Allotment Committee. It has also been found that transportation charges have been recovered by FCI for the rice mills for Khariff year 2019-20 to the tune of Rs.1,20,436/- which are also due to be recovered.

Counsel for the petitioner has submitted that the earlier dues is of the year 2004 and execution proceedings are pending for recovery of Rs.41,87,599/- for which attachment of the property of M/s Aggarwal Rice Mills has been done and the proceedings are pending, in pursuance of the award passed under the

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

101 CWP-17011-2020

-2-

Arbitration & Conciliation Act, 1996. He has referred to the order of the District & Sessions Judge, Mansa dated 18.01.2020 (Annexure P-7).

Notice of motion.

Ms.Chahal accepts notice on behalf of respondents No.1 to 3 and refers to the Punjab Custom Milling Policy for Khariff 2020-21 to submit that as per Clause 7(c) if any owner or partner member is in default of another mill, the miller shall also be treated as defaulter. It is further pointed out that as per Clause 24(c) of the said policy, an appeal would lie to respondent No.2 and a second appeal would, thereafter, lie to respondent No.1. Said clause reads as under:

“24. c. A first appeal from orders passed by the DAC related to any clause of this policy shall lie with the DFS and a second appeal therefrom with the PSFS. The decision of PSFS in such appeals shall be final and binding.”

Counsel for the petitioner could not dispute the factum of an alternative and efficacious remedy available to the petitioner.

In such circumstances, in view of the law laid down by the Apex Court in **United Bank of India Vs. Satyawati Tondon & others 2010 (8) SCC 110**, no case is made out to exercise the extraordinary writ jurisdiction in the present case. The present writ petition is, accordingly, dismissed. However, it shall be open to the petitioner to avail his remedy before the Appellate Authority, in accordance with law.

**(G.S. SANDHAWALIA)
JUDGE**

OCTOBER 14, 2020
sailesh

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No