

207.

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

CWP-11080-2022

Date of Decision: 17.08.2022

M/S SIMRAN AGRO MILLS

.... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vijay Kumar Jindal, Senior Advocate, with
Mr. J.K. Singla, Advocate and Ms. Anna Thakur, Advocate,
for the petitioner.

Ms. Deepali Puri, Additional Advocate General, Punjab.

JAISHREE THAKUR.J (Oral)

The instant writ petition has been filed seeking to challenge the order dated 02.11.2021, Annexure P-10, whereby respondent No.2 has refused to register the petitioner-Mill for custom milling.

A detailed order was passed in this matter on 23.05.2022 noticing the contentions raised.

Pursuant to notice of motion having been issued, appearance has been caused on behalf of the State. Learned State counsel would refer to clause 24(c) of the Custom Milling Policy for the Kharif Season 2021-22. She would submit that from orders passed by the District Allotment Committee related to any clause of the policy, there is a remedy of first appeal before the Director, Food Civil Supplies and Consumer Affairs, Punjab and second appeal there from before the Administrative Secretary.

She submits that in view of said clause, the instant writ petition is not maintainable.

Faced with this, learned senior counsel appearing on behalf of the petitioner would submit that let this writ petition itself be treated as second appeal before the Administrative Secretary and an early decision be taken thereon considering the fact that new milling season is to come into effect.

I have heard learned counsel for the parties and in view of the fact that the custom milling policy for the Kharif Season 2021-22 itself provides for a remedy for second appeal in terms of clause 24(c), let this writ petition be treated as second appeal, to be decided by the Administrative Secretary. The parties herein are directed to put in appearance before the said authority on 22.08.2022 at 11.30 AM who would then fix a date for deciding the appeal at his convenience. Needless to say, the appeal would be decided as expeditiously as possible, preferably within a period of two weeks thereafter.

With the aforesaid observations, the instant writ petition is disposed of.

17.08.2022

sanjeev

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No