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

**CWP-16582-2022 (O&M)
Date of decision: 05.09.2022**

M/S ARPAN AGRO INDUSTRIES AND ANOTHER

...Petitioners

VERSUS

FOOD CORPORATION OF INDIA AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sushant Kareer, Advocate
for the petitioners.

Mr. K. K. Gupta, Advocate
for respondent No.1.

Ms. Deepali Puri, Addl. A. G., Punjab.

JAISHREE THAKUR, J. (Oral)

By way of miscellaneous application CM-13241-CWP-2022, petitioners seek appropriate directions to respondent No.1 to implement order dated 09.08.2022 passed in this writ petition, presently fixed for hearing on 29.09.2022.

Notice of the application to the counsel opposite.

With the concurrence of learned counsel for the parties, the main petition itself is preponed for hearing today.

The petitioners herein are aggrieved against the action of respondent No.1-FCI, who had issued directions not to accept the Fortified Rice Kernel (in short FRK) as supplied by the petitioners on the ground that sample analysis taken by it had failed.

The petitioners herein are FRK manufacturers, with whom a contract was entered into by the State of Punjab, through PUNGRAIN for supply of FRK, which includes three micro-nutrients namely Iron, Folic Acid and Vitamin B-12. The Fortified Rice Kernel (FRK) was supposed to be supplied to rice millers for mixing it in with the regular supply of rice, which in turn would then be supplied to the Central Pool through FCI for onward distribution State wise. The petitioners herein got their sample tested from an accredited laboratory, which sample passed the test. However, FCI got the sample of FRK tested from its own accredited laboratory and since it failed the standards as prescribed, a letter was addressed to the State of Punjab directing it not to accept the FRK as supplied by the petitioners herein. As the petitioners were aggrieved against the letter addressed, they approached this Court and asked for the samples to be re-tested from any other independent laboratory. The matter was contested and, thereafter, by order dated 03.08.2022, FRK samples of both the petitioners herein were sent to be re-tested in laboratory that was acceptable to the parties. The analytical reports dated 08.08.2022 received mentioned that the standard specifications had been met.

During the pendency of these proceedings, the FCI Headquarters on its own initiative sent the samples as taken from the petitioners M/s Arpan Agro Industries and M/s Jindal Rice Mills for re-testing to FSSAI, which is the authority that gives the accreditation certificate. The result of the same has been filed in Court today by learned counsel for respondent No.1 and the same is taken on the record.

As per the communication dated 01.09.2022, addressed by the Chief General Manager (QC) of respondent No.1 to the General Manager (Region), Food Corporation of India, Regional Office (Punjab), Chandigarh, it is stated that the samples as drawn from the petitioners M/s Arpan Agro Industries and M/s Jindal Rice Mills were found to be within the prescribed limit of fortificants.

Therefore, in view of the fact that samples as drawn have been tested by the FCI itself and they are in conformity with the specifications as required, this Court is of the opinion that the writ petition deserved to be allowed and the impugned order as passed by the FCI issuing directions to the State of Punjab not to accept the FRK as supplied by the petitioners is liable to be set aside.

Ordered accordingly.

It is made clear that the order which is being set aside is only qua the petitioners, whose samples are in conformity with the specifications as prescribed.

CM-13241-CWP-2022 is disposed of having rendered infructuous.

05.09.2022
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*