

101

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-18867-2022 (O&M)
Date of decision: 05.09.2022

M/S GARG AGRO FOODS

...Petitioner

VERSUS

FOOD CORPORATION OF INDIA AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

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

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

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

JAISHREE THAKUR, J. (Oral)

CM-13506-CWP-2022

The application, numbered as CM-13056-CWP-2022 in the list, is allowed as prayed for.

CM-13510-CWP-2022

The application for impleadment of PUNGRAIN as respondent party to the petition, being unopposed is allowed. PUNGRAIN is permitted to be impleaded as respondent No.3. Amended memo of parties is taken on record.

CWP-18867-2022

The petitioner herein is 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 petitioner on the ground that sample analysis taken by it had failed.

The petitioner herein is FRK manufacturer, 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 petitioner had been following due procedure and getting all batches of supply tested from an NABL accredited laboratory as per the list provided by respondent No.1 and sending the same to FCI. Respondent No.1 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 petitioner herein.

During the pendency of these proceedings, the FCI Headquarters on its own initiative has sent the samples as taken from the petitioner 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 sample as drawn from the petitioner was found to be within the prescribed limit of fortificants.

Therefore, in view of the fact that sample as drawn has been tested by the FCI itself and the same is 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 petitioner is liable to be set aside.

Ordered accordingly.

It is made clear that the order which is being set aside is only qua the petitioner alone, whose sample is in conformity with the specifications as prescribed.

05.09.2022
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*