

102.

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

CWP-20050-2022

Date of Decision: 06.09.2022

M/S AMAN AGRO FOODS

.... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vikas Kumar, Advocate,
for the petitioner.

Ms. Deepali Puri, Additional Advocate General, Punjab.

JAISHREE THAKUR.J (Oral)

The instant writ petition has been filed with a limited prayer for issuance of a writ in the nature of mandamus directing the respondents to register the petitioner firm with the respondent department and to allot paddy for custom milling purposes for the Kharif Milling Season 2022-23.

Learned counsel appearing on behalf of the petitioner herein would contend that initially the writ petition had been filed by M/s Jai Dev Rice Mills i.e. CWP No.23159 of 2012 seeking allotment of paddy for the milling purposes which writ petition was allowed by an order dated 06.10.2014 wherein the respondents had been directed to consider the petitioner's claim i.e. of M/s Jai Dev Rice Mills, for allotment in accordance with the policy for the subsequent years, as allotment for the year 2012-2014 was already over. It is thereafter that the petitioner herein i.e. M/s Aman Agro Foods, has purchased M/s Jai Dev Rice Mills and had then submitted

an application to the District Controller, Food, Civil Supplies and Consumer Affairs, Ferozepur seeking grant of advance/provisional approval to M/s Aman Agro Foods in October 2021 and the District Controller, Food, Civil Supplies and Consumer Affairs, Ferozepur had recommended their provisional allotment. Since a new policy has come into effect, the petitioner seeks allotment of paddy for the purposes of milling which according to him ought to have been allowed considering the fact that there is an order passed in a writ petition in its favour as well as recommendation of the District Controller, Food, Civil Supplies and Consumer Affairs, Ferozepur.

Notice of motion.

On the asking of the Court, Ms. Deepali Puri, Additional Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondents. She would contest the writ petition by contending that each year, a fresh policy is introduced and even though there is a recommendation by the District Controller, Food, Civil Supplies and Consumer Affairs, Ferozepur, the same would be of no consequences considering the fact that the petitioner is to apply afresh under clause 3(d) of the new policy which has come into effect i.e. Custom Milling Policy for the year 2022-23. It is also submitted that in fact any application that would be filed now would be barred as all applicants were to apply for allotment within a specified time i.e. upto 15.07.2021, which period has since expired.

I have heard learned counsel for the petitioner as well the contention as raised by learned State counsel and have also gone through the pleadings of the case.

Admittedly, the petitioner has an approval by the District Controller, Food, Civil Supplies Consumer Affairs, Ferozepur for considering allocation of paddy, which order also takes into account the order passed in Civil Writ Petition by this Court on 06.10.2014. Since a fresh policy has come into effect, all have to apply afresh under the new policy.

Without going into the contentions as raised by the counsel for the petitioner, the present petition is disposed of by giving a direction to the respondents to decide any representation/application filed by the petitioner for allocation of paddy for the Kharif Milling Season 2022-23. Let expeditious decision be taken on the application so filed in accordance with new policy.

In case the petitioner would submit a representation/application online, the same be decided within a period of one week thereafter by passing a speaking order. In case the petitioner is dissatisfied with any order passed, it is at liberty to seek his remedy in accordance with law.

(JAISHREE THAKUR)
JUDGE

06.09.2022

sanjeev

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No