

103

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-23365-2022
Date of decision: 12.10.2022

MANOHAR AGRO TECH

...Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

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

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed under Articles 226/227 of the Constitution of India for issuance of an appropriate writ, order or direction in the nature of certiorari for quashing the order dated 30.11.2018/03.12.2018 (Annexure P-14), whereby allotment of paddy to the petitioner-Mill for milling purposes has been refused by the respondents by raising the issue of dues of 1994-95 of another firm M/s Bal Kishan Kailash Chander, in which husband of Neelam Rani, namely Bal Kishan was one of the partners.

Learned counsel for the petitioner herein would submit that he has instructions to state that as on date, there are no proceedings pending against Neelam Rani, who is the sole proprietor of the petitioner-Firm and neither are any proceedings pending against the firm namely M/s Bal Kishan Kailash Chander, Moga. The award as passed against M/s Bal Kishan Kailash Chander, Moga was challenged before the Additional District Judge, Moga in

proceedings under Section 34 of the Arbitration & Conciliation Act, 1996 and the said award was set aside, which was then further challenged by the District Food and Supplies, Controller, Moga before this Court vide FAO No.3536 of 2007, which was also dismissed on 28.07.2009.

Learned counsel for the petitioner would contend that after the aforesaid FAO was dismissed, no proceedings were initiated by the Managing Director and, therefore, refusal of paddy for milling is illegal. It is also submitted that Bal Kishan died on 28.11.2016 and the petitioner has no concern with M/s Bal Kishan Kailash Chander.

Notice of motion.

Ms. Deepali Puri, Addl. A. G., Punjab, who is present in Court, accepts notice on behalf of the respondents-State and takes a preliminary objection that under the Punjab Custom Milling Policy for Kharif 2022-23, there is a provision of filing an appeal and a second appeal before the Director and the Administrative Secretary and, therefore, without availing of the remedies as available under the said policy, this writ petition is premature.

I have heard learned counsel for the parties.

Since time is of the essence and allocation of paddy is already underway, the petitioner-Mill would approach the District Allotment Committee, within a period of one week from today and on filing the application/representation by the petitioner-Mill herein, the District Allotment Committee would consider the same expeditiously, preferably within a period of one week thereafter.

Needless to say, before passing any orders, the petitioner-Firm herein would be given an opportunity of personal hearing and in case, any

adverse orders are passed, the petitioner-Firm would then avail of its remedies under Clause 24-C of the Punjab Custom Milling Policy for Kharif 2022-23. It is expected of the authorities to take its decision within a period of one week of the petitioner approaching them. Since the petitioner was denied allocation of paddy in the year 2018 on the ground that M/s Bal Kishan Kailash Chander, Moga was a defaulter, the petitioner who will now be applying under the current Punjab Custom Milling Policy for Kharif 2022-23 afresh, would not be denied consideration on the ground that the order dated 30.11.2018/03.12.2018 (Annexure P-14) was not challenged.

Consequently, the instant writ petition is disposed of in abovesaid terms.

12.10.2022
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No