

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.23299 of 2022 (O&M)
Date of Decision.11.11.2022

M/s The Kurali Luxmi Milling Workshop Co-op. Industrial Society Ltd.

...Petitioner

Vs

State of Punjab and others

...Respondents

2. **CWP No.23300 of 2022**

M/s Tanush Exporters

...Petitioner

Vs

State of Punjab and others

...Respondents

3. **CWP No.23302 of 2022**

M/s Luxmi Food Grains (P) Ltd.

...Petitioner

Vs

State of Punjab and others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Sanjeev Sharma, Senior Advocate with
Mr. Daman Dhir, Advocate
Mr. Sonpreet Singh Brar, Advocate
Mr. Vikramvir Sharda, Advocate
for the petitioners.

Mr. Mohit Kapoor, Addl. A.G., Punjab.

Sh. Gurminder Singh, Senior Advocate with
Mr. K.K. Gupta, Advocate and
Mr. Jatinder Singh Gill, Advocate
for FCI.

Mr. Ashish Rawal, Advocate
for UOI.

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JAISHREE THAKUR J. (ORAL)

**CM No.17827 of 2022 & CM No.17832 of 2022 in
CWP No.23299 of 2022**

These applications have been filed by the petitioners as well as Union of India in CWP No.23299 of 2022.

Notice in the applications.

Mr. K.K. Gupta, Advocate, Mr. Ashish Rawal, Advocate and Mr. Mohit Kapoor, Addl. A.G., Punjab, who are present in Court, accept notice for FCI, Union of India and for the State of Punjab respectively in C.M. No.17827 of 2022.

Mr. Daman Dhir, Advocate accepts notice for the petitioners in C.M. No.17832 of 2022.

MAIN CASES

1. With consent of all parties, hearing of all three writ petitions is preponed from 22.11.2022 and are taken up today itself for final disposal.

2. There is a chequered history, which needs to be spelt out. The petitioners, who are millers, had been allotted paddy for milling under the Punjab Custom Milling Policy for Kharif 2021-2022 and as per the schedule specified in the agreement entered into between the parties i.e. millers and the procurement agencies, custom milled rice was delivered into the central pool of FCI, be it godown of FCI itself or Central Warehousing Corporation. After the rice stood delivered and accepted by FCI, a random check was done on the stacks of the CMR and FCI found that CMR supplied was not within the specification/was BRL rice. In terms of the policy, FCI addressed letter dated 29.08.2022 to the Director, Food and Civil Supplies to ensure that millers replace all BRL rice. In turn, the petitioners herein started the process of replacing BRL rice. It would be worthwhile to make a mention at

this juncture that certain complaints had been received by the Ministry itself regarding BRL rice, which prompted the Ministry to send their officials to do another check and take fresh samples of the alleged BRL rice stacked within the godown of FCI/CWC (stacks of CMR as supplied by petitioners herein). The inspection done by the Ministry was a joint inspection with officials of FCI, however, it seems that there was a divergence of opinion between the two authorities as to how samples were to be taken, which resulted in FCI raising an objection thereon.

During the proceedings in this Court, writ petitioners alleged that they were ready to replace BRL rice, however, the same was not being accepted by FCI, as the godowns were sealed by the Ministry and there were no technicians available, who would in turn certify that the CMR replaced with BRL rice was in conformity with the specifications of the agreement entered into. During the course of hearing, since there was an affidavit on record of two authorities namely FCI and the Union of India, Ministry of Consumer Affairs, Food and Public Distribution regarding quality of CMR, this Court vide order dated 09.11.2022 had directed for an independent body to take fresh samples and analyze CMR. Today, two applications have been filed; one by the petitioners (C.M. No.17832 of 2022) in CWP No.23299 of 2022 and other by the Union of India i.e. C.M. No.17827 of 2022 in the same writ petition, seeking clarification/modification of the order dated 09.11.2022.

During proceedings in the Court, petitioners themselves have offered to replace the entire BRL rice within four weeks, if not earlier. They would replace the BRL rice in terms of letter dated 29.08.2022 (Annexure P-6) with CWP No.23299 of 2022. Since Annexure P-6 is incomplete, the

complete annexure furnished by the senior counsel appearing for FCI is taken on record and marked as Annexure 'X'. On instructions from Sh. Rajiv Mishra, DGM (Q&C), this offer to replace the BRL has been accepted by FCI.

Since only one of the petitioners has approached this Court for modification of the order dated 09.11.2022 in CWP No.23299 of 2022, Mr. Daman Dhir, learned counsel appearing for petitioners in CWP Nos.23300 of 2022 and 23302 of 2022 also agrees to take the offer of replacing BRL rice in terms of letter dated 29.08.2022, which has been taken on record and marked as Annexure 'X'.

Learned counsel appearing for the Union of India does not press his application (C.M. No.17827 of 2022) for modification of the order, considering that BRL is going to be replaced.

Learned counsel appearing for the District Allotment Committee has no objection in case BRL rice is replaced.

I have heard learned counsel for the parties and deem it appropriate to dispose of all three writ petitions, in view of the fact that offer of the petitioners to replace BRL rice has been accepted by the FCI/District Allotment Committee. While disposing of the writ petition, learned counsel appearing for Union of India is directed to inform FSSAI that inspection, as directed by this Court vide order dated 09.11.2022, is no longer required to be conducted.

All interim applications stand disposed of, and interim orders by this Court will merge with this order. Since millers, whose livelihood is dependent on milling paddy, have offered to replace BRL rice and in case they do so within a period of four weeks from today as has been undertaken

by them, they are at liberty to approach the authorities concerned for setting aside any adverse orders that have been passed against them regarding allotment of paddy and in case, any such application is preferred, same be decided by the authorities expeditiously preferably within a period three days on receipt of the said application.

All writ petitions stand disposed of in above terms.

(JAISHREE THAKUR)
JUDGE

November 11, 2022
Pankaj*

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No