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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-23800-2022  
Date of decision: 17.10.2022

M/S MAND AGRO INDUSTRIES

...Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

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

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**JAISHREE THAKUR, J. (Oral)**

The instant writ petition has been filed seeking a writ in the nature of mandamus directing the respondents to allot paddy for milling to the petitioner-Firm for Kharif Milling Season 2022-23.

Learned counsel for the petitioner herein would contend that as on date, the petitioner-Firm is not a defaulter and one of the partners namely Harinder Singh had stood as a guarantor for M/s Malwa Agro Industries during the Kharif Milling Season 2018-19. The Punjab State Cooperative Supply and Marketing Federation Limited, Chandigarh had initiated arbitration proceedings against the said M/s Malwa Agro Industries, in which Harinder Singh i.e. the partner of M/s Mand Agro Industries was also arrayed as a party. The sole Arbitrator dismissed the proceedings by holding that no award could be passed and it was the sole prerogative of the Managing Director to proceed against M/s Malwa Agro Industries. It is submitted that as per his instructions,

no proceedings are pending against M/s Malwa Agro Industries as on date after the sole Arbitrator gave its award on 23.08.2021. Learned counsel for the petitioner herein would submit that as per the new milling policy for the year 2022-23, the petitioner-Firm is not a defaulter and, therefore, its claim for allotment of paddy has to be considered in the correct perspective.

Notice of motion.

Ms. Deepali Puri, Addl. A. G., Punjab, who is present in Court, accepts notice on behalf of the respondents-State and submits that the writ petition at the present moment is premature considering the fact that the petitioner-Firm has already approached the Director, Food, Civil Supplies & Consumer Affairs, Chandigarh vide Annexure P-10 dated 07.10.2022. She would submit that in terms of Clause 24-C of the Punjab Custom Milling Policy for Kharif 2022-23, there is a procedure as set out in case any dispute arises under the said policy. She would further submit that the petitioner-Firm instead of having approached the Director, Food, Civil Supplies & Consumer Affairs, Chandigarh directly ought to have approached the District Allotment Committee for allocation of paddy, which has not been done in the instant case and, therefore, the writ petition itself would not be maintainable. It is further submitted that as per the Punjab Custom Milling Policy for Kharif 2022-23, the petitioner-Mill would have to first approach the District Allotment Committee in terms of the Punjab Custom Milling Policy for Kharif 2022-23 and in case, any adverse orders are passed, it would have a remedy of an appeal and a second appeal and without availing the remedies as available under the said policy, it cannot approach this Court directly in a writ petition.

I have heard learned counsel for the parties.

In view of a categoric stand taken that as on date, neither is the petitioner-Firm nor M/s Malwa Agro Industries being declared a defaulter, of which one of the partners Harinder Singh stood as a guarantor, I deem it appropriate to dispose of the instant writ petition with a direction to the District Allotment Committee to take a conscious decision upon the representation of the petitioner-Firm for allocation of paddy for the current milling season. There is an urgency in the said matter since procurement has taken place and allocation of paddy is underway. In case the petitioner-Firm approaches the District Allotment Committee within a period of two days from today with its detailed representation, the same shall be considered expeditiously by passing a speaking order within a period of one week thereafter. In case the petitioner-Firm is dissatisfied with the order passed by the District Allotment Committee, it has a remedy of filing an appeal before the Director and a second appeal before the Administrative Secretary.

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-Firm approaching them.

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

**17.10.2022**  
Chetan Thakur

**(JAISHREE THAKUR)**  
**JUDGE**

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |