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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-24238-2022
Date of decision: 20.10.2022

M/S S. B. RICE & GEN. MILLS

...Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Lovekesh Bansal, Partner
of the petitioner-Mill in person.

JAISHREE THAKUR, J. (Oral)

The instant writ petition has been filed seeking a writ in the nature of certiorari for quashing the impugned order dated 11.10.2022 (Annexure P-9) passed by respondent No.3, whereby the petitioner-Mill has not been recommended for allotment of paddy for Kharif Milling Season 2022-23 and further to issue a writ in the nature of mandamus directing the respondents to allot paddy for milling to the petitioner-Mill for Kharif Milling Season 2022-23.

It is pleaded that as on date, the petitioner-Mill is not a defaulter. An FIR No. 0011 dated 16.08.2022 under Sections 420, 409, 467, 468, 471, 120-B of the IPC and Sections 7, 8, 12, 13(2) of the PC Act, at Police Station Vigilance Bureau, District Ludhiana is registered against Ex-Minister, Punjab, Sh.Bharat Bhushan Ashu and various officers of food Agencies and contractors, with which neither the petitioner-Mill nor any of its

partners has anything to do. He submits that it is on the statement of one Rohit Kumar, who has enmity against one of the partners of the petitioner-Mill, namely Mahavir Parshad, that the police has nominated Mahavir Parshad as an accused in the said FIR. It is submitted that the Joint Action Committee, Procurement Agency, Department of Agriculture, Punjab vide its letter dated 18.08.2022 has itself claimed that the allegations levelled in the aforesaid FIR are totally baseless and no loss has been caused to the State Exchequer and, therefore, claim of the petitioner-Mill for allotment of paddy has to be considered in the correct perspective.

The writ petition at the present moment is premature. 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. As per the Punjab Custom Milling Policy for Kharif 2022-23, against the impugned order as passed by the District Allotment Committee, the petitioner-Mill would have a remedy of an appeal before the Director, Department of Food, Civil Supplies and Consumer Affairs and a second appeal before the Administrative Secretary and without availing the remedies as available under the said policy, petitioner-Mill cannot approach this Court directly in a writ petition.

In view of the stand taken by the Joint Action Committee, Procurement Agency, Department of Agriculture, Punjab vide its letter dated 18.08.2022 that the allegations levelled in the aforesaid FIR are totally baseless and no loss has been caused to the State Exchequer, I deem it appropriate to dispose of the instant writ petition with a direction that the instant writ petition itself shall be treated as an appeal before respondent No.2, who would take a conscious decision upon the appeal of the petitioner-Mill 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-Mill approaches respondent No.2 within a period of two days from today with its detailed appeal, the same shall be considered expeditiously by passing a speaking order within a period of one week thereafter. In case the petitioner-Mill is dissatisfied with the order passed by respondent No.2, it has a remedy of filing a second appeal before the Administrative Secretary.

Needless to say, before passing any orders, the petitioner-Mill herein would be given an opportunity of personal hearing and in case, any adverse orders are passed, the petitioner-Mill 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-Mill approaching them.

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

20.10.2022
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No