

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

CWP No.25462 of 2022 (O&M)
Date of Decision.15.11.2022

M/s Shiv Shakti Rice Mill

...Petitioner

Vs

State of Punjab and others

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Vikas Mehsempuri, Advocate
for the petitioner.

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

Dr. Puneet Kaur Sekhon, Advocate
for respondents No.2 to 5.

-.-

JAISHREE THAKUR J. (ORAL)

Reply filed on behalf of respondent No.1 in the court today is taken on record.

The instant petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus, directing respondents No.4 and 5 to stop supplying paddy from Bhootgarh Mandi to respondent No.6, as per Clause 11 (b) of the Custom Milling Policy for Kharif 2022-2023.

Learned counsel appearing on behalf of the petitioner would contend that the petitioner is a rice mill situated at Bhootgarh, Tehsil Patran, District Patiala and was issued certificate of licence on 11.08.2022 up till 31.03.2014, after obtaining all requisite clearances from concerned department, for sale, purchase, storage and processing at Bhootgarh Grain Market. The petitioner-mill was allotted 3000 MT paddy by respondents No.2 and 3 for milling and was allocated Bhootgarh Mandi for lifting of the

paddy. The petitioner by way of the writ petition had claimed that it was the only mill that was linked to the said mandi, however, paddy was being transported to respondent No.6, which in turn would reduce the supply of paddy to the petitioner herein.

Learned counsel appearing for the petitioner would also submit that the petitioner has entered into an agreement and clause 11 of the CMP for Kharif 2022-2023 pertains to linking of mandis and rice mills. It is submitted that respondent No.6 is at a distance from the petitioner-mill and therefore, transportation of the said paddy to the mill located at a distance would put a burden on the State exchequer since transportation would go up and it would be in violation of Clause 11 (b) of the said Policy.

Pursuant to notice of motion order, appearance has been caused on behalf of the respondent-State as well as Markfed.

As per the reply filed by the respondent-State, petitioner-mill, which is linked to Bhootgarh Mandi was proposed to be allocated 3000 MT paddy. Because the said centre is paddy deficit, 20.50% cut was imposed, which resulted in reduction of the quantity of paddy to be supplied to the petitioner-mill. With the proposed cut, the petitioner-mill is entitled to only 2385 MT paddy (63,600 bags).

Learned counsel appearing for the State submits that the petitioner-mill herein is not the only mill linked to the Bhootgarh Mandi and in fact, as per the linking plan for the Kharif Milling Season 2022-2023, a mill with the name of M/s Radhe Krishan Mill has also been attached to Bhootgarh mandi and it is proposed to allot 2385 MT paddy to it, which is at par with allotment to petitioner herein. It is submitted that in terms of Clause 11 (c) of the said policy, mandis are to be linked through a transparent

software without manual intervention, as has been done in the present case and linkage once established, shall not be changed during entire season. It is further submitted that if there is a dispute between the millers and the procurement agency regarding equitable distribution of paddy or otherwise, the same has to be decided by the DDF-cum-Chairman, District Allotment Committee, against which an appeal can be preferred before Director Food Supplies (DFS) and subsequently with the Administrative Secretary.

I have heard learned counsel for the parties and have perused the short reply filed by the respondent-State along with tentative linking plan, which has been produced by counsel appearing for the Markfed and is taken on record as Annexure X. Admittedly, when the matter was argued, counsel appearing for the petitioner had stated that the petitioner-mill was the only linked mill with Bhootgarh mandi and despite being the only mill linked, paddy was being sent to respondent No.6. This is factually incorrect. A perusal of the tentative linking plan for KMS 2022-2023 would reflect that there are two mills linked to the Bhootgarh mandi, one of which is respondent No.6, to whom paddy has been allocated. The petitioner herein has milling capacity of 3000 MT, as is of the capacity of respondent No.6 but on account of poor procurement and inadequate supply to the said mandi, there is proportionate cut to the allocation of paddy to both the mills. Both the mills having a capacity of 3000 MT have now been allotted paddy to the extent of 2385 MT and therefore, there is no injustice done to the petitioner herein. Furthermore, a perusal of Clause 11 of the CMP 2022-2023 would further specify that mandi shall be linked to rice mills through a transparent software without manual intervention. There is nothing on record to show that the linking of respondent No.6 with Bhootgarh mandi

has been done with any oblique/ulterior motive. Moreover, Clause 11 (d) of the said policy further specifies that “**linkage once established shall not be changed during the entire season**”. In this background, when the petitioner-mill is being allotted paddy as per its entitlement and averment made that it is the only mill linked to Bhootgarh Mandi is found factually incorrect, this Court finds no ground to interfere.

Consequently, the instant petition stands dismissed.

(JAISHREE THAKUR)
JUDGE

November 15, 2022
Pankaj*

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