

203.

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CWP-25420-2022

Date of Decision: 11.11.2022

M/S AMBAY MEGA FOODS AND ANR

.... Petitioners

Versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Anurag Chopra, Advocate, for the petitioners.

Mr. Mohit Kapoor, Additional Advocate General, Punjab.

JAISHREE THAKUR.J

The present writ petition has been under Articles 226/227 of the Constitution of India for issuance of an appropriate writ, order or direction especially a writ in the nature of mandamus directing respondents No.2 to 4 to implement the order dated 18.10.2022 whereby petitioners have been allotted work for the Kharif Milling Season for the Crop Year 2022-23.

In brief, the facts are that Punjab Custom Milling Policy for Kharif Milling Season 2022-23 was issued and the petitioners applied for the same with all the requisite documents. Though the online application was accepted on the portal, but allotment was delayed since the agreement was not being entered into. The petitioners along with other Rice Millers individually submitted their representations for allotment of paddy but was rejected by the District Allotment Committee vide Annexure P-2, dated 04.10.2022, on the ground that an FIR had been registered against the proprietors/partners of the Rice Mill. This order of rejection was challenged

before the First Appellate Authority-cum-Director, Food, Civil Supplies & Consumer Affairs, Punjab. It was argued that the FIR as registered against the partners/Mill related to tenders of labour cartage and that there was no litigation pending between the appellants the petitioner Millers herein, and the State in relation to the Custom Milling Policy and no arbitration cases were pending. The appeal was accepted and the impugned order as passed by the District Allotment Committee was set aside on 18.10.2022. Immediately thereafter, the petitioners herein asked for the implementation of the order and for allotment of paddy to them since the milling season was coming to an end. As neither the paddy was released nor any agreement entered into, the petitioners have approached this Court.

Learned counsel appearing on behalf of the petitioners would contend that once the order of rejection of allotment of paddy as passed by the District Allotment Committee has been set aside, the petitioners herein would be entitled to allotment of paddy under the policy and denial of the same is violative of the constitutional rights to conduct free trade as guaranteed under the Constitution.

Pursuant to notice of motion having been issued, appearance has been caused on behalf of the respondents-State. Learned State counsel, on instructions, would submit that the petitioners herein did not present themselves for getting any agreement signed. It is submitted that in terms of the policy, it is an owner or partner of the Mill who are the persons with whom an agreement would be entered into. It is submitted that Mr. Divaker Singla is not holding the requisite papers to be considered as an owner or a

partner who can enter into an agreement.

Faced with this, Mr. Anurag Chopra, learned counsel appearing on behalf of the petitioners, would submit that Mr. Divaker Singla is the Special Power of Attorney holder as well as General Power of Attorney holder of the partners who on account of a personal difficulty are unavailable to appear personally. It is submitted that an authorized person/partner on behalf of the petitioners would put an appearance before the District Allotment Committee within a week and on doing so, let the agreement be entered into and thereafter, paddy allotted.

I have heard learned counsel for the petitioners, learned State counsel and having perused the order as passed by the First Appellate Authority wherein the order of the District Allotment Committee refusing to allot paddy has been set aside, deem it appropriate to direct the respondents to execute the agreement and allot paddy to the petitioners in terms of the CMP Kharif 2022-23.

Let the needful be done expeditiously. In case the General Power of Attorney holder puts an appearance and his papers are found to be in order in terms of the CMP Kharif 2022-23 or in case the partners themselves put an appearance with seven days of this order, the agreement be entered into.

Writ petition stands disposed of accordingly.

(JAISHREE THAKUR)
JUDGE

11.11.2022

sanjeev Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No