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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-9057-2017 (O&M)
Date of Decision:12.12.2023

KUNAL RICE MILL

..... Petitioner

Versus

STATE OF PUNJAB AND ORS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Pawan Kumar Mutneja, Sr. Advocate with
Mr. Abhishek Joon, Advocate,
Mr. Surverna Mutneja, Advocate,
Mr. Akshay Goyal, Advocate and
Mr. Guranam Singh, Advocate
for the petitioner.

Mr. Deepanjay Sharma, DAG, Punjab.

Mr. Gurinder Jit Singh, Advocate
for respondent No.2.

Ms. Deepali Puri, Advocate
for respondent No.3.

Mr. A.P,S, Mann, Advocate
for respondent No.4.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of order dated 07.04.2017 (Annexure P-8) whereby petitioner has been denied allotment of paddy for KMS 2016-2017.

2. Learned counsels for the respondents, at the outset, submit that matter relates to 2016-2017, thus, present petition has rendered infructuous.

3. Learned Senior Advocate for the petitioner submits that on account of pending cases with respect to supply of rice for previous years, the respondent has not allotted paddy to petitioner since 2016-2017. The respondents have referred 3 matters for arbitration. The arbitrator has decided in favour of the petitioner. The respondent filed petition under Section 34 of Arbitration and Conciliation Act, 1996 before District Judge. One petition filed before Additional District Judge stands dismissed. Second petition is still pending before Additional District Judge, Chandigarh and in third petition, Additional District Judge, Gurdaspur has remanded the matter back to arbitrator. The petitioner has challenged order passed by Additional District Judge whereby matter has been remanded back to the arbitrator. In this way, one matter stands concluded up to the stage of Section 34 of Arbitration Act. The second matter is pending before Additional District Judge, Chandigarh and third matter on account of remand is pending before arbitrator, however, petition challenging remand order is pending before this Court. The petitioner cannot be deprived from allotment of paddy for an indefinite period.

4. I have heard the arguments of both sides and with the able assistance of learned counsels perused the record.

5. The dispute between the parties relate to KMS 2009-2010, 2010-2011 and 2011-2012. The arbitrator has already decided one case in favour of the petitioner, another matter is pending before Additional District Judge and third matter is pending before arbitrator on account of remand by Additional District Judge. The petitioner on account of pending litigation cannot be deprived of allotment of paddy for an

indefinite period. There is not even a single case where there is crystallized demand against the petitioner. The demand relates to year 2009-2012.

6. In the absence of crystallized demand, it seems unjust and unfair to deny allotment for indefinite period, thus, respondents are directed to decide the claim of the petitioner in terms of order dated 31.10.2023 passed by this Court in *CWP No.24558 of 2023* titled as *M/s M.K. Industries Vs. State of Punjab and others*.

7. Disposed of in the above terms.

(JAGMOHAN BANSAL)
JUDGE

12.12.2023
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No