

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

105

**2023:PHHC:115574
CWP No. 18720 of 2023
Date of Decision:04.09.2023**

M/s Mahavir Rice Mills, Amlloh

....Petitioner

VS.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

**Present: Ms. Amarjit Kaur Khurana, Advocate and
Mr. Gaurav Datta, Advocate
for the petitioner**

Mr. Abhaypal Singh Gill, DAG, Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226 and 227 of the Constitution of India is assailing Clause 7(v) of the Punjab Custom Milling Policy for Paddy Kharif 2022-23 (Annexure P-2) (in short 'the policy').

2. Learned counsel for the petitioner inter alia contends that as per the policy, a firm is not entitled for allotment of paddy even if a partner is holding very small share in a firm and there is default by any other firm where such partner is one of the partners. The petitioners are senior citizens and their son was having 10% share holding in their firm as well as he was partner in another firm which has been declared defaulter. On the basis of the second firm i.e. M/s Onkar Rice Gram Udhyog, Amlloh, having been declared defaulter, the petitioner has been declared defaulter.

Learned counsel further submits that the petitioner against the action of respondents has filed second appeal which is pending before second appellate authority-cum-Principle Secretary to Department of Food Civil Supplies and Consumer Affairs. The registration period is going to expire by the end of September' 2023 whereas appellate authority has fixed the appeal for 03.10.2023 and on the said date, the appeal would become infructuous and object of appeal would be defeated.

Learned counsel submits that petitioner's grievance would be redressed if appellate authority is directed to decide appeal before 20.09.2023.

3. Learned State counsel, who on advance notice is present in Court, assures the Court that second appellate authority would prepone the date of hearing and pass an appropriate order within a week from today.

4. In the wake of statement of learned State counsel, the instant petition stands disposed of. This Court is sanguine of the fact that appellate authority would pass an appropriate order within one week from today.

(JAGMOHAN BANSAL)
JUDGE

04.09.2023
paramjit

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