

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision:10.10.2023

(1) CWP No.20632 of 2023

M/s Master Foods

....Petitioner

VS.

State of Punjab and others

....Respondents

(2) CWP No.20530 of 2023

M/s Kanhaji Rice Mills

....Petitioner

VS.

State of Punjab and others

....Respondents

(3) CWP No.22045 of 2023

M/s Shri Guru Gobind Singh Ji Rice Mills

....Petitioner

VS.

State of Punjab and others

....Respondents

(4) CWP No.22225 of 2023

M/s J B Agro Foods

....Petitioner

VS.

State of Punjab and others

....Respondents

(5) CWP No.22251 of 2023

M/s Moti Ram Rice and General Mills

....Petitioner

VS.

State of Punjab and others

....Respondents

(6) CWP No.22346 of 2023

Shiv Bhole Rice Mills

....Petitioner

VS.

State of Punjab and others

....Respondents

(7) CWP No.22318 of 2023

M/s Aaradhya International

....Petitioner

VS.

State of Punjab and others

....Respondents

(8) CWP No.22447 of 2023

M/s Shree Durga Rice Mill

....Petitioner

VS.

State of Punjab and others

....Respondents

(9) CWP No.22570 of 2023

M/s Shri Salasar Rice Mills and others

....Petitioners

VS.

State of Punjab and others

....Respondents

(10) CWP No.22698 of 2023

M/s Lakshmi Rice Mill and others

....Petitioners

VS.

State of Punjab and others

....Respondents

(11) CWP No.22761 of 2023

M/s Aggarwal Rice Mill

....Petitioner

VS.

State of Punjab and others

....Respondents

(12) CWP No.22770 of 2023

Maa Anjani Rice Mill through its partner Akash Garg

....Petitioner

VS.

State of Punjab and others

....Respondents

(13) CWP No.22783 of 2023

M/s Bansal Food Products

....Petitioner

VS.

State of Punjab and others

....Respondents

(14) CWP No.22940 of 2023

M/s Maa Annapurna Rice Mills

....Petitioner

VS.

State of Punjab

....Respondent

(15) CWP No.22938 of 2023

M/s Radha Raman Foods and others

....Petitioners

VS.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Shiv Kumar, Advocate and
Mr. Raman Kaplish, Advocate
for the petitioner in CWP Nos. 20632, 22447, 22318,
20530, 22940 of 2023

Mr. Prince Goyal, Advocate
for the petitioner in CWP No.22770 of 2023

Mr. Vivek Singla, Advocate
for the petitioner in CWP-22761 of 2023

Mr. Daman Dhir, Advocate
for the petitioner in CWP-22698, 22570, 22045, 22938 of 2023

Mr. Anurag Chopra, Advocate
for the petitioner in CWP-22346, 22251, 22225, 22783 of 2023

Mr. Deepanjay Sharma, DAG, Punjab assisted by
Mr. Ajaiveer Singh Saron,
Addl. Director, Food and Civil Supplies

Mr. Aditya Vermani, Advocate
for respondent No. 4 in CWP-22761 of 2023

Mr. Sumit Jain, Advocate and
Mr. Abhishek Arora and Mr. Tarun Seth, Advocates
for PUNGRAIN

Mr. M.S.Batth, Advocate
for PUNGRAIN

JAGMOHAN BANSAL, J. (ORAL)

1. By this common order, CWP Nos. 20632, 20530, 22045, 22251, 22225, 22346, 22318, 22447, 22570, 22698, 22761, 22770, 22783, 22940 and 22938 of 2023 are hereby adjudicated as common questions of law and facts are involved. With the consent of both sides, facts are borrowed from CWP No. 20632 of 2023.

2. The petitioner through the instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of orders dated 02.09.2023 (Annexure P-10) and dated 07.09.2023 (Annexure P-11) whereby respondent Nos. 3 and 2, respectively, have rejected claim of the petitioner for allotment of free paddy.

3. The brief facts of the case which are necessary for adjudication of the present writ petition are that the petitioner is engaged in the business of processing and milling of rice. The petitioner is dependent upon paddy allotted by State Government. The State Government, like previous years, on 31.07.2023 declared Custom Milling Policy for KMS 2023-24. As per policy, a miller was required to get provisional registration by 22.07.2023 and final registration by 01.09.2023. The petitioner installed plant and machinery, however, electricity connection was released by Punjab State Power Corporation Limited (in short "PSPCL") on 01.09.2023. The respondents conducted inspection on or before 01.09.2023 by which date electricity connection was not in operation. The petitioner applied for electricity connection in the month of June-July 2023, however, electricity

department could not release connection on the ground of non-availability of Current Transfer and Potential Transfer (CTPT).

4. Learned counsel for the petitioner submits that last date for registration was 01.09.2023 and petitioner by said date got electricity connection and in any case, the petitioner was not at fault in getting electricity connection. Electricity connection was not to be released by a private organization whereas it is released by PSPCL, which is a State Government agency. The petitioner applied well within time for electricity connection, thus, for any lapse on the part of Government agency petitioner cannot be penalized.

5. Learned State counsel submits that respondents have reconsidered the entire issue and formed an opinion that all the millers who got electricity connection on or before 02.09.2023 would be allotted free paddy apart from their eligibility for RO paddy. He further submits that despite passing any adverse order against any party on earlier dates, the matter would be re-considered and if it is found that apart from getting electricity connection by 02.09.2023, a miller had installed plant and machinery, it would be entitled to allotment of paddy.

6. Faced with the statement of learned State counsel, learned counsel for the petitioner agrees to the aforesaid arrangement.

7. In the wake of statements of both sides, the petitions stand disposed of. The respondents shall re-consider case of the petitioners who have secured electricity connection on or before 02.09.2023 and comply with all other terms and conditions of the policy. The entire exercise shall be

completed within ten days and ignoring all earlier orders passed by the authorities.

(JAGMOHAN BANSAL)
JUDGE

10.10.2023
paramjit

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