

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

108+204

**Date of Decision:06.10.2023**

**CWP No.21206 of 2023**

**M/s Akal Sahai Rice and General Mills**

**....Petitioner**

**VS.**

**State of Punjab and others**

**....Respondents**

**CWP No.21313 of 2023**

**M/s Sardar Agro Rice Mills**

**....Petitioner**

**VS.**

**State of Punjab and others**

**....Respondents**

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: Mr. Tribhawan Singla, Advocate and  
Mr. Rishab Kumar Jain, Advocate  
for the petitioner(s) in both petitions

Mr. Deepanjay Sharma, DAG, Punjab

Mr. Animesh Sharma, Advocate  
for respondent No. 4 in both petitions

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**JAGMOHAN BANSAL, J. (ORAL)**

1. By this common order, CWP No. 21206 of 2023 and CWP No.  
21313 of 2023 are hereby adjudicated since issue involved in both the

petitions and prayer sought are common. With the consent of parties and for the sake of brevity, facts are borrowed from CWP-21206 of 2023.

2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 13.09.2023 (Annexure P-8) whereby respondent No. 2 has rejected application of the petitioner seeking registration/allotment.

3. Vakatnama filed by Mr. Animesh Sharma, Advocate, on behalf of MARKFED is taken on record. Registry is directed to tag the same at appropriate place.

4. The petitioner-mill is a partnership concern of three partners which includes Jaspreet Singh who is an erstwhile partner of M/s Sant Rice & General Mills (for short "Sant Rice Mills"). Jaspreet Singh has resigned from Sant Rice Mills and joined the petitioner firm. Sant Rice Mills committed default in the supply of rice. The default was made with respect to paddy supplied by MARKFED, thus, a dispute arose between Sant Rice Mills and MARKFED. In view of order passed by civil court, the respondent has allotted paddy to Sant Rice Mills, however, application of the petitioner has been declined on the ground that one of the partners of the petitioner is an erstwhile partner of Sant Rice Mills.

5. Learned counsel for the petitioner inter alia contends that respondents have allotted paddy to Sant Rice Mills for KMS 2023-24 whereas the petitioner has not been allotted paddy on the ground that one of the partner of Sant Rice Mills is partner of the petitioner. As per information of the petitioner, Sant Rice Mills has cleared all the dues of the

respondents/agency and this is the reason of allotment of paddy to Sant Rice Mills.

6. Learned State counsel submits that application of the petitioner has been declined as there is objection from MARKFED.

7. Learned counsel for MARKFED submits that application of Sant Rice Mills has been allowed because they have deposited defaulted money as per orders of civil court and further undertook to pay liability, if any arises at any subsequent stage. The petitioner consists of one partner who is an erstwhile partner of Sant Rice Mills. The petitioner may be directed to furnish undertaking to the effect that if any liability arises of Sant Rice Mills, Jaspreet Singh shall pay, in accordance with law.

8. Learned counsel for the petitioner asserts that Jaspreet Singh, partner of the petitioner firm, would furnish undertaking to the effect that if any liability arises of Sant Rice Mills, he shall pay, in accordance with law.

9. In the wake of statements of both sides, the petition stands disposed of with a direction to partner (Jaspreet Singh) of the petitioner to furnish conceded undertaking, with the respondents. Thereafter, the respondents shall consider case of the petitioner for registration/allotment of paddy, in accordance with law.

In CWP No. 21313 of 2023, the petitioner is a proprietorship concern, thus, Swaran Singh, its proprietor shall furnish undertaking.

**(JAGMOHAN BANSAL)**  
**JUDGE**

**06.10.2023**

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No