

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

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**2023:PHHC:125655
CWP No.21445 of 2023
Date of Decision:25.09.2023**

Ajay Agro Tech Private Limited

....Petitioner

VS.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Kamaldeep S. Sidhu, Advocate
for the petitioner

Mr. Deepanjay Sharma, DAG, Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order/letter dated 19.09.2023 (Annexure P-2) whereby respondent No. 4 has decided not to allot paddy to the petitioner for KMS 2023-24.

2. Learned counsel for the petitioner submits that as per KMS 2023-24, applicant may be declared defaulter by 30.08.2023. The petitioner was never declared defaulter by the aforesaid date. A dispute between petitioner and respondent is pending since 2009-10. The petitioner filed civil suit and succeeded. The respondent filed appeal and succeeded. The petitioner has filed RSA No. 2417 of 2022 which is pending before this

Court for 12.02.2024. The principal amount involved in the litigation is Rs. 4,65,000/- and respondents are having security furnished by petitioner to the tune of Rs. 10.5 lakh, thus, interest of the department is duly secured. Nevertheless, to show his bonafide, the petitioner is ready to furnish bank guarantee of Rs. 5 lakh.

3. Mr. Deepanjay Sharma, DAG, Punjab, who on advance notice is present in Court, expressed his inability to controvert offer made by counsel for the petitioner of furnishing bank guarantee of Rs. 5 lakhs towards disputed liability.

4. In the wake of statements of both sides, I am of the considered opinion that furnishing of security of Rs. 5 lakh which is in addition to already furnished security by the petitioner in favour of respondents, would secure interest of the department.

5. In these facts and circumstances, it would be in the interest of justice and fitness of things, if petitioner is allotted paddy for KMS 2023-24. Accordingly, respondents are directed to allot paddy to the petitioner subject to furnishing of bank guarantee of Rs. 5 lakh.

6. Petition stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

25.09.2023
paramjit

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