

M/s Guru Kirpa Rice Mills and Agro Industries

Versus

.....Respondents

Mr. Deepanjay Sharma, DAG, Punjab

Mr. K.K.Gupta, Advocate
for respondent No. 2

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking setting aside of order dated 21.09.2023 (Annexure P-6) whereby petitioner has been debarred from the allotment of Paddy for KMS 2023-2024.
2. The petitioner is engaged in the milling of rice and is fully dependent upon allotment of Paddy by State agencies. The petitioner since 2016 is carrying out milling activities. The respondent vide impugned order dated 21.09.2023 has debarred the petitioner from allotment of Paddy on the ground that proprietor of the petitioner concern was arrested by CBI. The respondent has further formed an opinion that proprietor of the petitioner

is involved in criminal case and it amounts to violation of Clause 3(c) (ii) (B &C), 4(a)(ix) and 6(f)(xv) of Custom Milling Policy 2023-24.

3. Learned counsel for the petitioner *inter alia* submits that impugned order has been passed without issuing show cause notice followed by opportunity of personal hearing. The impugned order has been passed not only in violation of principles of natural justice but also in violation of fundamental rights guaranteed by Articles 14, 19(1)(g) and 21 of the Constitution of India.

4. Learned counsel for State, who on advance notice is present in Court, expressed his inability to controvert the fact that impugned order has been passed without issuing show cause notice followed by opportunity of personal hearing.

5. From the perusal of record, it comes out that the respondent has passed impugned order without issuing show cause notice as well as granting opportunity of personal hearing. The act of respondent amounts to violation of principles of natural justice and it is settled proposition of law that violation of principles of natural justice is one of the grounds to entertain writ petition. The act of respondent further amounts to violation of fundamental rights of the petitioner guaranteed by Articles 14, 19(1)(g) and 21 of the Constitution of India. The impugned order is directly going to affect livelihood not only of the petitioner but also of workers who are dependent upon the petitioner mill.

6. As the impugned order has been passed without granting opportunity of hearing and in violation of principles of natural justice,

this Court is of the considered opinion that present petition deserves to be allowed and accordingly allowed. The impugned order is hereby set aside. The respondents are directed to pass fresh order after granting opportunity of personal hearing. The needful shall be done by 29.09.2023.

7. It is made clear that in the meantime, the eligibility of the petitioner for allotment would be considered and it would be subject to fresh order passed by District Allotment Committee.

25.09.2023
paramjit

(JAGMOHAN BANSAL)
JUDGE

Whether reasoned / speaking? Yes / No
Whether reportable? Yes / No