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

107 **CWP-22567-2023
Date of Decision: 11.10.2023**

Krishna Agro Industries and Another **…Petitioners**

Versus

State of Punjab and Others **…Respondents**

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Chetan Mittal, Senior Advocate with
Mr. Kunal Mulwani, Advocate and
Mr. Ivan Khosla, Advocate
Mr. Akshay Mittal, Advocate and
Mr. Ritvik Garg, Advocate and
Mr. Vikas Thakur, Advocate and
Mr. Shivam Grover, Advocate for the petitioners

Mr. Deepanjay Sharma, DAG, Punjab
(assisted by Jaswinder Singh, DFSO, Jagroan, Ludhiana)

Mr. Vikas Mohan Gupta, Advocate and
Mr. Rishab Kumar Jain, Advocate for respondent No.11 to 40

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JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of Proposed Miller Linking Order for Ludhiana (Annexure P-1) whereby respondent has attached Jodha grain market with Kila Raipur Centre instead of Sudhar Milling Centre.

2. The petitioners are engaged in the processing/milling of rice. The petitioners are dependent upon paddy supplied by the State Government. As per practice, the State Government is supplying paddy to different mills through its procurement agencies. The State of Punjab is declaring, on annual basis, its milling policy known as 'Custom Milling Policy'. The State with

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respect to KMS 2023-24 declared its milling policy on 31.07.2023. As per policy, every rice mill as well as grain market is attached with a milling centre. Every milling centre consists of multiple grain markets. The respondent-State prior to 2016-17 attached Jodha grain market with a centre known as Sudhar Milling Centrer. The State Government vide order dated 12.10.2017 (Annexure P-6) ordered to attach Jodha grain market with Kila Raipur Centre. This ensued litigation between the parties. Multiple petitions came to be filed before this Court assailing action of the State Government. On account of pendency of different writ petitions, an interim arrangement was made during previous years and as per the said arrangement, partial paddy received by Jodha grain market was allocated to Sudhar Milling Centre and partial was allocated to Kila Raipur Centre. The respondent authorities for KMS 2023-24 without granting any opportunity to millers located within jurisdiction of Sudhar Milling Centre has decided to attach Jodha grain market with Kila Raipur Centre.

3. Learned Senior Counsel for the petitioners submits that respondent authorities acting in an arbitrary manner and without granting opportunity to the petitioners to put forth their stand has unilaterally attached Jodha grain market with Kila Raipur Centre. The arrangement made by respondent is going to adversely affect existence of the petitioners units. The petitioners, at present, are getting paddy to the extent of 62% of their milling capacity and if Jodha grain market is entirely attached with Kila Raipur Centre, there would be substantial fall in the paddy allocated to them. It would severely affect their financial position and there are possibilities that they may be out of business on account of non-utilization of installed capacity.

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4. *Per contra,* learned counsel for private respondents submits that if Jodha grain market is attached with Sudhar Milling Centre, the private respondents would get less than 40% of their installed capacity and at present they are getting 50% of their installed capacity. The respondents are getting 50% of their installed capacity whereas petitioners are getting 62% of their installed capacity. If Jodha grain market is attached with Sudhar Milling Centre, their survival would be in question and it would enrich the petitioners who are already getting 62% of their installed capacity. 9 grain markets are attached with Kila Raipur Centre and 5 grain markets are attached with Sudhar Milling Centre. There are 13 millers in Sudhar Milling Centre and their total installed capacity is 49.5 MT. In the Kila Raipur Centre, there are 32 millers and their installed capacity is 108 MT. Jodha grain market during last year got 22,659 MT paddy and as per expectation the same quantity would be received. The Jodha grain market is located at 8 Kms from Kila Raipur Centre whereas distance between Jodha grain market and Sudhar Milling Centre is 13 Kms.

5. Learned State counsel submits that both the contesting parties may appear before Director, Food, Civil Supplies and Consumer Affairs, Punjab, who would decide the issue in question after granting an opportunity of hearing. An appropriate order would be passed within 3 days from today. Mr. Kunal Mudwani, Advocate for the petitioners and Mr. Vikas Mohan Gupta, Advocate for the private respondents shall be informed date and time of hearing.

6. Learned Senior Counsel for the petitioners and learned counsel for the private respondents agree to the proposal of the learned State counsel.

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7. In the wake of statements of learned counsels for the parties, the present petition stands disposed of with a direction to respondent No.2 i.e. Director, Food, Civil Supplies and Consumer Affairs, Punjab, to pass an appropriate order by Monday i.e. 16.10.2023 after granting an opportunity of hearing to both sides.

8. To allay the apprehension of the State that paddy may block in the grain market during the intervening period, the State is granted liberty to allocate paddy received in Jodha grain market to all the millers falling within Kila Raipur Centre subject to maximum 5,000 MT. It is further made clear that said quantity would be subject to final order passed by respondent No.2-Director, Food, Civil Supplies and Consumer Affairs, Punjab,

(JAGMOHAN BANSAL)
JUDGE

11.10.2023
Mohit Kumar

Whether speaking/reasoned	*Yes/No*
Whether reportable	*Yes/No*

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