

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107+111+114+118+121+127

1.

CWP-22252-2023
Date of Decision : 10.10.2023

M/s Guru Kirpa Rice and Agro Industries

..... Petitioner

Versus

State of Punjab and others

..... Respondents
2.

CWP-22549-2023

M/s Jai Maa Mansa Rice Mills

..... Petitioner

Versus

State of Punjab and others

..... Respondents
3.

CWP-22722-2023

M/s Bhagwati Rice and Gen Mills

..... Petitioner

Versus

State of Punjab and others

..... Respondents
4.

CWP-22784-2023

M/s Daksh Rice Mills

..... Petitioner

Versus

State of Punjab and others

..... Respondents
5.

CWP-22868-2023

M/s Maa Bhagwati Rice Mills

..... Petitioner

CWP-22252-2023
and other connected matters

-2-

2023:PHHC:131261

Versus

State of Punjab and others

..... Respondents

6.

CWP-22944-2023

M/s Ganesh Rice Mill and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Mohit Garg, Advocate
for the petitioner in CWP-22252-2023.

Mr.Amandeep Singh Jwandha, Advocate
for the petitioner in CWP-22549-2023.

Mr.Vikram Preet Arora, Advocate
for the petitioner in CWP-22722 & 22784 -2023.

Mr.Gagneshwar Walia, Advocate and
Mr. Hitender Kansal, Advocate
for the petitioner in CWP-22868-2023.

Mr.Daman Dhir, Advocate
for the petitioners in CWP-22944-2023.

Mr. Deepanjay Sharma, DAG, Punjab assisted by
Ms. Rajneesh Kaur, Deputy Director, Food & Supply.

Mr. K.K.Gupta, Advocate
for the respondent-FCI.

Mr. Sumit Jain, Advocate
Mr. Abhishek Arora, Advocate
Mr. Tarun Seth, Advocate
for the respondents-PUNGRAIN.

Mr. Shubham Thakur, Advocate
for respondent No.6 in CWP-22549-2023.

Mr. Rajeev Anand, Advocate
for the respondent -CBI.

JAGMOHAN BANSAL, J. (Oral)

1. By this common order, the aforesaid writ petitions are disposed of as issue involved in all the petitions is common. For the sake of convenience, the facts are borrowed from CWP-22252-2023.

2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of show cause notice dated 26.09.2023 (Annexure P-8) and order dated 29.09.2023 (Annexure P-10) whereby application of the petitioner seeking allotment of paddy has been declined.

3. The respondent by impugned order has debarred the petitioner for allotment of paddy for 3 years. The respondent has declined claim of the petitioner on the ground that proprietor of the petitioner concern was arrested by CBI in FIR No. RC/216/2023-A0001 dated 10.01.2023, under Sections 7, 8, 9, 10 and 12 of Prevention of Corruption Act, 1988 read with Section 120-B of IPC. There is allegation against the proprietor that he had paid bribe of Rs.50,000/- to one official of the FCI. The respondent has expressed apprehension that proprietor of the petitioner may be arrested at any point of time by CBI and in that case there would be loss of paddy/rice belonging to the State.

4. Learned counsel for CBI submits that proprietor of the petitioner was arrested in a trap case while paying bribe of Rs.50,000/- to an official of FCI. The CBI has completed investigation qua petitioner and *challan* has already been presented.

4.1 With respect to CWP-22549-2023, Learned counsel for CBI submits that the matter is under investigation and CBI, till date, has not

presented *challan* against the petitioner-firm, however, it is factually incorrect that petitioner is not involved at all because as per their investigation, an employee of the petitioner was using mobile in question and he was in conversation with the official of FCI.

4.2 With respect to CWP Nos. 22722, 22868 and 22944 of 2023, he submits that the matter is under investigation and CBI, till date, has not presented *challan* against the petitioners.

4.3 With respect to CWP-22784-2023, he submits that at this stage, no role of the petitioner has been found, however, the matter is still under investigation.

5. Learned State counsel submits that there is apprehension that FCI may not accept rice on account of pendency of FIR.

6. Learned counsel for FCI submits that if the petitioner is not treated defaulter by State and petitioner supplies rice as per prescribed standard, the FCI would have no objection to accept resultant product i.e. rice.

7. Conclusion of trial is going to take quite long time. No miller has been declared defaulter on account of non-delivery of rice in previous years rather they have delivered rice even after registration of FIR. Investigation qua almost all millers is still pending, thus, they cannot be denied paddy because it would amount to closure of their units.

8. In the wake of afore-stated facts and statements of both sides, all the petitions stand disposed of with a direction to respondents to allot free paddy to the petitioners for KMS 2023-24 subject to furnishing of surety of two millers who have been allotted paddy by the State of Punjab.

8. It is made clear that respondent shall consider cases of all the parties in the light of present order, against whom aforesiad FIR has been registered by CBI.

10.10.2023
anju

(JAGMOHAN BANSAL)
JUDGE

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>