

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

106

CWP-22450-2023

Date of Decision : 17.10.2023

M/s Jai Bajrang Bali Agro Industries and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Chetan Mittal, Sr. Advocate with
Mr.Vishal Garg, Advocate
Mr. Kunal Mulwani, Advocate
Mr. Daksh Uppal, Advocate
for the petitioners.

Mr. Deepanjay Sharma, DAG, Punjab.

Mr. K.K.Gupta, Advocate
for the respondents-FCI.Mr. Avinit Avasthi, Advocate
for respondents No.12 and 13.

JAGMOHAN BANSAL, J. (Oral)

1. On 13.10.2023, the following order was passed :

“Mr. Avinit Avasthi, Advocate has put in appearance on behalf of respondents No.12 and 13 and filed his power of attorney. The same is taken on record. Registry is directed to tag the same at an appropriate place.

Learned counsel for the petitioners inter alia contends that Talwandi Bhai Grain Market has been wrongly attached with Mallanwala Centre. The distance between petitioners' units and Talwandi Bhai Grain Market is much less than the distance between the mills located within the jurisdiction of Mallanwala Centre and

Talwandi Bhai Grain Market. The resultant product i.e. rice has to be delivered to FCI and godowns of FCI are located at Talwandi Bhai, thus, distance between petitioners' units and FCI godowns is lesser than distance between units located within Mallanwala Centre and FCI godowns. On account of more distance between mandi and mills and thereafter mills and FCI godowns, the cost of transportation is going to be increased. Thus, linking of Talwandi Bhai Grain Market with Mallanwala Centre is contrary to Custom Milling Policy.

Learned counsel for the respondent- FCI is directed to ascertain distance between Talwandi Bhai Grain Market and units located within jurisdiction of Talwandi Bhai Centre as well as distance between Talwandi Bhai Grain Market and units located within Mallanwala Centre. The respondent is further directed to file specific affidavit with respect to cost of transportation as well as principle of equitable distribution if Talwandi Bhai Grain Market is attached with Talwandi Bhai Centre or in alternative with Mallanwala Centre.

Adjourned to 17.10.2023."

2. In compliance of aforesaid order, learned counsel for the respondents - FCI has filed affidavit dated 16.10.2023 which is taken on record. Registry is directed to tag the same at appropriate place.

3. Mr. Vikas Mohan Gupta, Advocate submits that the petitioner has not intentionally impleaded different millers located within jurisdiction of Mallanwala Centre and they would be aggrieved if present petition is allowed.

4. Learned State counsel suggests that to resolve the controversy, the matter may be referred to the Secretary, Department of Food Civil Supplies and Consumer Affairs, Punjab.
5. Learned counsels for the parties agree to the proposal made by learned State counsel.
6. The petition stands disposed of with a request to the Secretary, Department of Food, Civil Supplies and Consumer Affairs, Punjab to look into the grievance of the parties and pass an appropriate order by Monday i.e.23.10.2023 after granting opportunity of hearing to the mills. To avoid the delay and with the consent of parties, Mr. Kunal Mulwani, Advocate for the petitioners and Mr. Vikas Mohan Gupta, Advocate for private respondents are at liberty to appear before the Secretary, Department of Food, Civil Supplies and Consumer Affairs, Punjab on 19.10.2023. The parties are at liberty to make their submissions on merits including contents of report of FCI filed in Court.

17.10.2023
anju

(JAGMOHAN BANSAL)
JUDGE

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