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

CWP-23126-2023

Date of Decision:11.10.2023

M/S KRISHNA AGRO INDUSTRIES AND ANOTHER

..... Petitioners

Versus

STATE OF PUNJAB AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Shiv Kumar, Advocate
for the petitioners.

Mr. Deepanjay Sharma, DAG, Punjab.

Mr. Sumit Jain, Advocate and
Mr. Abhishek Arora, Advocate
for the respondents.

JAGMOHAN BANSAL, J. (Oral)

1. Mr. Sumit Jain, Advocate has put in appearance on behalf of the respondent- PUNGRAIN and filed his memorandum of appearance.

The same is taken on record.

2. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of order dated 21.09.2023 (Annexure P-7) passed by respondent No.3 rejecting allocation of the paddy to petitioners and order dated 09.10.2023 (Annexure P-15) whereby second appeal of the petitioners has been dismissed.

3. Learned counsel for the petitioners submits that case of the

petitioners is squarely covered by order dated 10.10.2023 passed in CWP No.22252 of 2023. The said order read as:

“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- 0001 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.”

4.

Learned counsel for the respondents does not dispute the

aforesaid factual position and submits that present petition may be disposed of in the light of aforesaid order.

5. In the wake of statements of both sides, present petition stands disposed of in terms of order dated 10.10.2023 passed by this Court in CWP No.22252 of 2023.

(JAGMOHAN BANSAL)
JUDGE

11.10.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>