

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

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**2023:PHHC:131931
CWP No.23094 of 2023
Date of Decision:11.10.2023**

M/s K.M.Trading Company

....Petitioner

VS.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Daman Dhir, Advocate and
Ms. Dilpreet Kaur, Advocate
for the petitioner

Mr. Deepanjay Sharma, DAG, Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking direction to respondents to allot it paddy in terms of Custom Milling Policy for KMS 2023-24.

2. The petitioner purchased a rice mill in terms of Section 13 of the Secularization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short "SARFAESI Act"). The petitioner has been issued sale certificate by bank, however, Tehsildar has not sanctioned mutation. Clause 7(ix) of policy for KMS 2023-24 specifically provides that a buyer of a defaulter mill shall be entitled to allotment if mill has been purchased in open auction or otherwise disposed of by bank/financial institution.

3 Counsel for the petitioner submits that case of the petitioner is squarely covered by judgment of this Court passed in **CWP No. 18743 of 2020 on 25.07.2023** titled as “**M/s Ashirwad Industries vs. State of Punjab and others**” read with clause 7(ix) of the policy.

4. Mr. Deepanjay Sharma, DAG, Punjab, who on advance notice is present in Court, expressed his inability to controvert the aforesaid factual and legal position. He further submits that case of the petitioner would be considered in the light of policy as well as order dated 25.07.2023 passed by this Court in CWP No. 18743 of 2020.

5. In the wake of statement of learned State counsel, the petition stands disposed of with a direction to pass an appropriate order within a week from today.

(JAGMOHAN BANSAL)
JUDGE

11.10.2023
paramjit

Whether speaking/reasoned: Yes
Whether reportable: Yes/No