

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

103

**2023:PHHC:145506
CWP No.24007 of 2023
Date of Decision:16.11.2023**

M/s Gill Rice Mills

....Petitioner

VS.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Shiv Kumar, Advocate
for the petitioner

Mr. Inderpreet Singh Kang, AAG, Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. On 19.10.2023, the following order was passed by this Court:-

“Learned counsel for the petitioner, inter alia, contends that installed capacity of the petitioner is 2 MT and respondent unilaterally has reduced to 1 MT. Accordingly, the entitlement of the petitioner has been reduced from 2300 MT to 1653 MT. The petitioner during the previous year was allotted RO paddy considering his capacity 2 MT whereas free paddy was allotted considering installed capacity 1 MT.

Learned State counsel seeks time to get instructions. Adjourned to 30.10.2023.”

2. On 07.11.2023, the following order was passed by this Court:-

“Learned State counsel submits that petitioner was allocated paddy during 2021-22 and 2022-2023 considering its installed capacity 1 MT and it was required to apply to the department in case of

enhancement of capacity whereas it has never applied for enhancement of capacity.

Learned counsel for the petitioner submits that as per policy, it is required to apply for enhancement if there is enhancement than previous years. The petitioner for the previous year, in his application, declared installed capacity 2 MT, thus, there was no need to apply for enhancement of capacity. He seeks time to place on record documents disclosing that petitioner on the previous occasion, applied with 2 MT capacity.

Adjourned to 16.11.2023.”

3. Reply by way of affidavit dated 15.11.2023 of Minakshi, District Controller, Food Civil Supplies, Barnala, on behalf of respondents No. 1 to 3 is taken on record. Registry is directed to tag the same at appropriate place.

4. From the perusal of documents produced by petitioner as well as respondents, it comes out that few documents are disclosing that petitioner is/was having installed capacity of 2 MT whereas few documents are disclosing that installed capacity of petitioner is/was 1 MT. It is a disputed question of fact which cannot be adjudicated by this Court, however, considering the fact that respondents are conceding that at present installed capacity of petitioner is 2 MT, the petition stands disposed of with a direction to respondents to consider the petitioner, for the allotment of paddy in subsequent years, a unit having 2 MT installed capacity.

5. The petitioner has deposited security treating itself as a 2 MT unit whereas respondents are considering it as 1 MT unit, thus, respondents

shall return security of differential amount within two weeks from today.

(JAGMOHAN BANSAL)
JUDGE

16.11.2023
paramjit

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