

214

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

CWP-27984-2022

Date of Decision: 23.01.2023

M/s Udey Rice and Agro Mill

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Daman Dhir Advocate,
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

Mr. H.S. Randhawa, Advocate,
for respondent Nos.5, 6 & 9-PUNSUP.

Mr. Amanpreet (A.P.) Singh, Advocate,
for respondent No.7.

Mr. Vikas Chatrath, Advocate,
for respondent No.8-MARKFED.

JASGURPREET SINGH PURI, J. (ORAL)

The present writ petition has been filed under Article 226 of the Constitution of India for issuance of an appropriate writ especially in the nature of certiorari for quashing the action of the respondents in violating the Clauses of the Punjab Custom Milling Policy for Kharif 2022-23 (Annexure P-1) with a further prayer for issuance of a writ in the nature of mandamus for directing the respondents to comply with and/or implement the clauses of the aforesaid Policy.

Learned counsel for the petitioner has submitted that the petitioner is aggrieved by the action of the respondents/State in not hearing

the grievance of the petitioner with regard to the disproportionate allocation of paddy to the petitioner-Mill.

However, Ms. Akshita Chauhan, learned AAG, Punjab has stated on instruction from Mr. Arihant Jain, L.A, Food & Supply, Sangrur that in case the petitioner was aggrieved by disproportionate allocation of paddy then the alternate remedy of filing an appropriate application/representation was available to him in pursuance of express provision contained in the Punjab Custom Milling Policy for Kharif 2022-23 season. She referred to Proviso 2 Clause 11(b) in this regard, which provides that during procurement if a dispute arises between millers and the agencies regarding equitable distribution of paddy or otherwise, it shall be decided by the DDF-cum-Chairman DAC and thereafter, even an appeal also lies against the same to the Administrative Secretary. She also submitted that since the petitioner has not approached the DAC, the present petition would not be maintainable.

Mr. Daman Dhir, learned counsel for the petitioner has submitted that he has instruction to say that the petitioner in fact had filed a representation to the DAC.

However, the same position has been disputed by the learned State counsel.

At this stage, both the learned counsel for the petitioner and the State has stated that be that as it may, in case the petitioner now files a comprehensive application/representation in pursuance of Proviso 2 Clause 11(b) of the Custom Milling Policy then the same shall be considered by the DAC as expeditiously as possible and in accordance with law.

Learned State counsel has specifically stated after taking instruction from the Officer, who is present in the Court, that they have no objection in case such fresh application is filed by the petitioner in this regard in the interest of justice.

In view of the aforesaid position, the present writ petition is disposed of. The petitioner shall be at liberty to file an application/representation in pursuance of Proviso 2 Clause 11(b) of the Custom Milling Policy within a period of two weeks from today.

In the event of filing of such representation/application to the concerned authority i.e. DDF-cum-Chairman DAC, then the aforesaid authority shall hear the petitioner and after hearing the petitioner, shall consider and decide the same strictly in accordance with law within a period of next two weeks by passing a well-reasoned speaking order.

23.01.2023*Bhumika***(JASGURPREET SINGH PURI)****JUDGE**

- | | |
|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |