

CWP-24276-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

115

CWP-24276-2023

Date of Decision: 20.10.2023

Shri Shyam Agro

...Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Babbar Bhan, Advocate and
Mr. Akash Yadav, Advocate for the petitioner
Mr. Raman Sharma, Addl. A.G, Haryana
Mr. Padamkant Dwidevi, Advocate
for respondent Nos.3 and 4

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside/modifying of the order dated 02.10.2023 (Annexure P-5) and order dated 09.10.2023 (Annexure P-7) to the extent the conditions imposed by respondent are contrary to Custom Milling Policy 2023-24.

2. Learned State counsel, who on advance is present in Court on behalf of the respondents, at the outset, submits that respondent has decided to allocate 3,000 MT paddy to the petitioner, however, it is supposed to furnish post-dated cheques as well as security of other millers to secure the interest of the department because the petitioner has already mortgaged its property with a private bank. The State in terms of sub-clause (vi) of clause 27 of Custom Milling Policy 2023-24 is duty bound to review the financial position of the rice millers. The petitioner had already secured loan of ₹ 25 Crores against the

rice mill, thus, respondent-State is duty bound to protect its interest by way of collecting post-dated cheques as well as security in the form of bank guarantee of other millers.

3. Faced with this, learned counsel for the petitioner submits that petitioner would submit post-dated cheques within 2 days as directed by the respondents. He further submits that petitioner is ready to furnish surety bond of two rice mills who have been allotted paddy for KMS 2023-24, however, he is unable to arrange bank guarantee.

4. The paddy is going to be allotted within next 10 days, thus, the matter cannot be kept pending. Without commenting upon the merits of the case, the present petition stands disposed of with liberty to the petitioner to furnish post-dated cheques as directed by respondents along with security in the form of unencumbered immovable property or in the alternative, surety bond of two rice millers who have been allotted paddy for KMS 2023-24 and have not stood surety for any other rice millers.

It is made clear that petitioner shall not furnish surety bond of M/s Satnam Rice Mill and M/s Himank Rice Mills.

The petitioner is claiming that he has not been allotted paddy as per his entitlement. The respondent while accepting cheques and surety bonds/security shall consider total entitlement of the petitioner.

(JAGMOHAN BANSAL)
JUDGE

20.10.2023
Mohit Kumar

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