

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

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**2023:PHHC:138755
CWP No.24548 of 2023
Date of Decision:31.10.2023**

M/s Jai Durga Rice Mill and others

....Petitioners

VS.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Daman Dhir, Advocate
for the petitioners
Mr. Deepanjay Sharma, DAG, Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioners through instant petition under Article 226 of the Constitution of India are seeking setting aside of order dated 28.09.2023 (Annexure P-5) whereby respondent No. 2 has refused to register petitioners for allocation of paddy for KMS 2023-24 on the basis of enhanced capacity.
2. The petitioners are engaged in the business of milling rice. The petitioners are carrying out job work for State of Punjab. The petitioners are entirely dependent upon paddy supplied by the State. The State Government every year formulates a milling policy. The State has issued Custom Milling Policy for KMS 2023-24 and the said policy was notified on 31.7.2023. The policy requires every new mill to get itself registered by 22.07.2023. The petitioners are existing mills, however, they enhanced their milling capacity and as per policy are required to get registered as *de novo* units and last date for registration as *de novo* unit was 22.7.2023. The respondent by impugned order has rejected claim of the petitioners on the ground that many other

mills post enhancement in their milling capacity have got themselves registered by 22.07.2023, thus, there is lapse on the part of the petitioners.

3. Counsel for the petitioners contends that policy was notified on 31.07.2023, thus, petitioners could not get themselves registered by 22.07.2023. The petitioners could not be expected to know cut off date for registration prior to introduction of the policy. He further submits that petitioners may not be considered for allotment of paddy on the basis of enhanced capacity for KMS 2023-24, however, they may be registered and considered for allotment of paddy on the basis of enhanced capacity for subsequent years.

4. Learned State counsel, who on advance notice is present in Court, submits that petitioners would be registered and their cases for allotment of paddy on the basis of enhanced capacity for the subsequent years would be considered as per applicable policy.

5. In the wake of statements of both sides, the petition stands disposed of.

6. Before parting with this order, this Court would hasten to add that it was inappropriate on the part of respondents to declare policy on 31.07.2023 and ask the units to get themselves registered on or before 22.07.2023 i.e. a date prior to introduction of the policy. Therefore, the State is directed to look into the matter and in future introduce policy prior to last date prescribed for registration of units.

31.10.2023
paramjit

(JAGMOHAN BANSAL)
JUDGE

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