

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

208

CWP-30189-2022

Date of Decision: 23.08.2023

M/s Ambay Mega Foods and Another

...Petitioners

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Anurag Chopra, Advocate for the petitioner

Mr. Deepanjay Sharma, DAG, Punjab

Ms. Deepali Puri, Advocate for respondent-PUNGRAIN

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking direction to respondent Nos.2 to 4 to implement order dated 18.10.2022 (Annexure P/4) whereby First Appellate Authority-cum-Director, Food Civil Supplies & Consumer Affairs, Punjab has set aside order dated 04.10.2022 passed by District Allotment Committee ('DAC').

2. The brief facts of the case which are necessary for the adjudication of the present case are that the petitioners are engaged in the business of milling rice. The petitioners for the Kharif Marketing Season ('KMS') 2022-23 could not enter into agreement despite order dated 11.11.2022 (Annexure P-5) passed by this Court in CWP No.25420-2022. This Court vide order dated 11.11.2022 has held as under:-

*"I have heard learned counsel for the
petitioners, learned State counsel and having perused*

the order as passed by the First Appellate Authority wherein the order of the District Allotment Committee refusing to allot paddy has been set aside, deem it appropriate to direct the respondents to execute the agreement and allot paddy to the petitioners in terms of the CMP Kharif 2022-23.

Let the needful be done expeditiously. In case the General Power of Attorney holder puts an appearance and his papers are found to be in order in terms of the CMP Kharif 2022-23 or in case the partners themselves put an appearance with seven days of this order, the agreement be entered into.

Writ petition stands disposed of accordingly.”

3. On account of terms of the policy, the General Power of Attorney holder of the petitioners were not permitted to sign agreement and partners of the petitioners on account of pending FIR could not come present and sign the agreement. The partners were granted anticipatory bail vide order dated 02.12.2022 (Annexure P-8) passed by this Court in CRM-M-54229-2022. The partners of the petitioners after getting anticipatory bail approached respondents to sign the agreement, however, respondents did not concede request of the petitioner.

4. Mr. Anurag Chopra, learned counsel for the petitioner concedes that partners of the petitioners could not sign agreement within 7 days period, granted by this Court because criminal case was pending against them. He further concedes that KMS 2022-23 has expired, however, he submits that on account of non-supply of paddy during 2022-23, the petitioners may be denied paddy in subsequent years.

5. Mr. Deepanjay Sharma, learned State counsel as well as Ms. Deepali Puri, Advocate for PUNGRAIN, concede that petitioner was eligible to supply of paddy during 2022-23, however, he could not get paddy on account of unavoidable reasons. Period of 2022-23 would not be considered as non-continuing period and in the subsequent years, case of the petitioners would be independently examined.

6. In the wake of statements of learned counsel for the respondents, the present petition stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

23.08.2023
Mohit Kumar

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