

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of Decision:22.11.2023

CWP No.26229 of 2023

Isher Singh Hardeep Singh Rice Mills

....Petitioner

VS.

State of Punjab and others

....Respondents

CWP No.26231 of 2023

Chardi Kalan Rice Mills

....Petitioner

VS.

State of Punjab and others

....Respondents

CWP No.26232 of 2023

C.S. Rice & Agro Industries

....Petitioner

VS.

State of Punjab and others

....Respondents

CWP No.26233 of 2023

Victory Foods

....Petitioner

VS.

State of Punjab and others

....Respondents

CWP No.26234 of 2023

Preet Rice Mills

....Petitioner

VS.

State of Punjab and others

....Respondents

CWP No.26241 of 2023

M/s Raymond Rice and Agro Mills

....Petitioner

vs.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Harsh Goyal, Advocate
for the petitioner in all the petitions

Mr. Aman Dhir, D.A.G., Punjab

Mr. K.K.Gupta, Advocate
for FCI in all the petitions

JAGMOHAN BANSAL, J. (ORAL)

1. By this common order, CWP Nos. 26229 of 2023, 26231 to 26234 of 2023 and 26241 of 2023 are hereby adjudicated as common questions of law and facts are involved. With the consent of both sides, facts are borrowed from CWP No. 26229 of 2023.

2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondents to carry out independent investigation regarding deficiency in quality of fortified rice supplied by the petitioner to the respondents.

3. Learned counsel for the petitioner *inter alia* contends that petitioner during custom Milling Policy for KMS 2022-23 carried out job work for State of Punjab. As per direction of the respondents, they have supplied fortified rice which consisted of Fortified Rice Kernel and rice in the ratio of 1:100. The petitioner has purchased FRK from the dealers

notified by respondents/State. There is no fault on the part of petitioner still FCI while testing has declared its material deficient. There was no reason to violate the parameters because the FRK to be added was only 1 kg in 100 kg rice. No rice miller is going to invite peril because 1 kg FRK is blended with 100 kg rice. They have purchased FRK from notified manufacturers/dealers. The respondents may be directed to conduct independent investigation before declaring the petitioner defaulter.

4. Learned State counsel submits that they have already laid down procedure for blending of FRK with rice as well as drawing samples.

5. Learned counsel for FCI submits that FCI has also issued circular with respect to blending of FRK with rice.

6. This Court does not find it appropriate to direct the respondents to conduct investigation with respect to grievance of the petitioner in a particular manner. It is upto the respondents to lay down procedure with respect to blending of FRK with rice and thereafter draw sample. In such cases, this Court can interfere only if there is mis-use of power or violation of procedure. This Court is sanguine of the fact that no rice miller would be falsely implicated.

7. The petition stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

22.11.2023
paramjit

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