

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

204

CWP-13870-2006 (O&M)
Date of Decision: April 03, 2024

Punjab Rice Millers Exporters AssociationPetitioner(s)

Vs.

State of Punjab and anotherRespondent(s)

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Akshay Bhan, Sr. Advocate with
Mr. Rohit Nagpal, Advocate
Mr. Adit Garg, Advocate for the petitioner(s).

Mr. Arjun Sheoran, DAG, Punjab

Mr. Puneet Verma, Advocate and
Mr. N.S. Boparai, Advocate for respondent No.2.

SANJEEV PRAKASH SHARMA.J. (ORAL)

The petitioner by way of the present petition has impugned Annexure P-1 i.e. letter dated 11.11.2005/23.11.2005 issued by the Government of Punjab with the objective of increasing investment in industrial agro-industrial and other sectors and thereby it proceeded with regard to the exemption to one M/s KRBL, Ltd., Dhuri, District Sangrur from payment of market fees, as leviable under the Punjab Agricultural Produce Markets Act, 1961 and the rules framed thereunder on non-FCI Grade paddy, including 'Basmati' purchased by them other than through contract from the date of commencement of production during the year 2005 for a period of 10 years i.e.from 15.08.2005 to 14.08.2015.

2. The Association of Punjab Rice Millers Exporters has preferred this petition stating that such action is an arbitrary exercise of powers and the power available under the Act to grant exemption ought to be exercised under the provisions of the law and its industrial policy.

3. We have considered the submissions and find that the issue raised by the petitioner is with regard to the exemption granted to respondent No.2. We do not have any record available with us with regard to the exemption granted to the other firms also which may have been done later on. However, in terms of the Industrial Policy 2003, it is appearing that the State Government is empowered to grant incentives for agricultural commodities and market fees has been exempted for all the agricultural commodities except wheat and paddy in terms of Clause 11.4.2 of the Industrial Policy 2003. However, we find that the policy executed by the State Government and as noted in the letter, the State has exercised its powers with the objective of increasing industrial and other sectors especially private investments and in furtherance thereto, they have also granted concerned concession for non-FCI grade paddy including ‘Basmati’. The concession was granted for a period of 10 years which is also overlapped.
4. At this stage without adjudicating further on the aspect regarding illegality and validity of the such exercise of powers, we close the matter as the period of 10 years have already passed. However, the issue so advised is left open, if so required.
5. Petition stand disposed of with the aforesaid observations.

(SANJEEV PRAKASH SHARMA)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

April 03, 2024
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Whether speaking/reasoned: Speaking
Whether reportable: Yes / No