

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

881

CWP-15782-2016 (O&M)

Date of Decision : 30.04.2024

M/S B.M AGRO FATEHGARH PANJTOOR

... PETITIONER

Versus

STATE OF PUNJAB AND ORS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Akshay Bhan, Sr. Advocate with
Mr. Aman Bansal, Advocate
for the petitioner.

Mr. Pawan Kumar, DAG, Punjab.

Mr. K.K.Gupta, Advocate
for respondents No.4 and 5.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner was blacklisted in 2009 on account of violation of terms and conditions of Custom Milling Policy 2008-09. The petitioner was not allocated paddy from 2009-2016 which compelled it to approach this Court by way of present writ petition.

2. During the pendency of present petition, the petitioner deposited a sum of Rs. 67.79 lakhs which respondent encashed. The petitioner also cleared dues of FCI which vide communication dated 24.10.2017 has confirmed that they have already received their dues and State Agencies may consider case of

petitioner after completion of ban period of three KMS. The communication dated 24.10.2017 of FCI is reproduced as below :

Date-24/10/2017

Subject:- Withdrawal of Recovery Suit filed by FCI against M/s B. M. Agro, Moga.

Sir,

Kindly refer your office email dated 01/10/17 wherein intimated that M/s B.M. Agro, Moga has unconditionally deposited total amount of Rs 4,25,118/- on account of losses caused by the said mill during KMS 2004-05 alongwith penal interest.

In this connection, the Competent Authority has agreed to withdraw the recovery suit filed by FCI against M/s B.M. Agro, Moga.

As M/s B.M. Agro, Moga has deposited the losses pertaining to FCI only and matter of recovery of losses of State Agencies is subjudice before the Hon'ble High Court of Punjab & Haryana at Chandigarh and is fixed for 31/10/2017. Further, the matter of lifting of ban on the said mill may be considered after receiving NDC from the State Agencies and completion of ban period of three KMS, which you are requested to confirm with the consultation of DFSC concerned.

You are therefore advised to do the needful immediately and it is to be ensured that before withdrawal of recovery suit nothing is recoverable from the party on any account.

3. Mr.Akshay Bhan, Sr. Advocate, on being asked, confirms that on account of payment of outstanding dues, the petitioner since 2016 have been allocated paddy in accordance with prevailing Custom Milling Policy.

4. In the wake of above development during the pendency of present petition, no further order is warranted.

5. Disposed of.

6. Pending miscellaneous application, if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

30.04.2024
anju

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