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

106+107+111

**CWP-30513-2024 (O&M)
Date of Order:19.11.2024**

M/s Kalra Trading Company

.Petitioner

Versus

The State of Punjab and others ..Respondents

CWP-30547-2024 (O&M)

M/s Mohan Lal Gupta & Sons and others

.Petitioners

Versus

State of Punjab and others ..Respondents

CWP-31055-2024 (O&M)

M/s A.S.Traders

.Petitioner

Versus

The State of Punjab and others ..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Charanjit Singh Bakshi, Advocate
Mr. Mohit Rana, Advocate
Mr. Gurjeet Singh, Advocate
Mr. Aryan Sharma, Advocate
for the petitioner (in CWP-30513 & 31055-2024)

Mr. Gaurav Goel, Advocate
Mr.Aman Goel, Advocate
Mr. Gourav Garg, Advocate
for the petitioners (in CWP-30547-2024)

Mr. Manbir Singh, Advocate
for respondent no.3 and 4 (in CWP-30547-2024)
for respondent no.10 (in CWP-30513-2024).

Mr. Sumit Jain, Advocate and
Mr. Abhishek Arora, Advocate
for PUNGRAIN

Mr. M.S.Longia, Addl.A.G., Punjab
Mr. Salil Sabhlok, Sr. DAG, Punjab.

***ANIL KSHETARPAL, JUDGE* (Oral)**

1. On 13.11.2024, the following order was passed:-

> *"1. Amended memo of parties has been filed in CWP-30513-2024, which is taken on record.*
>
> *2. These two writ petitions have been filed by the commission agents who are complaining that the State instrumentalities are failing to remove the paddy, which has been purchased by them.*
>
> *3. Learned counsel representing the petitioner(s) submits that as per instructions, the paddy has to be removed within a period of 72 hours after it has been purchased by the State instrumentalities. However, the petitioners are being discriminated. It is further contended that in case of heavy rain, the petitioners shall be made liable, though, they are not at fault.*
>
> *4. Learned counsel representing the respondents jointly submit that the delay in clearing the stock is due to the problems created by rice millers. However, they submit that the entire stock will be cleared by 30.11.2024.*
>
> *5. On a Court question as to, "what will happen, if there is damage to the grains, due to heavy rain?", learned counsel representing the respondents failed to put forth an explanation. Ultimately, the State instrumentalities have purchased the grains by spending public money.*
>
> *6. Prima facie, the instrumentalities of the State are failing in their duties to secure their own purchased grains. Direction, if any, issued by this Court would have wider implications.*

7. In view of the aforesaid facts, the Principal Secretary, Department of Food, Civil Supplies & Consumer Affairs, Punjab and Managing Director of all three Corporations, namely, the Punjab State Grains Procurement Corporation, MARKFED and PUNSUP to appear virtually on 19.11.2024.

8. A photocopy of this order be placed on the file of the other connected case."

2. In deference to the aforesaid order, Sh. Vikas Garg, Principal Secretary, Department of Food, Civil Supplies & Consumer Affairs, Punjab, Sh. Puneet Goyal, Director-cum-Managing Director, PUNGRAIN, Sh. Girish Dayalan, Managing Director, Markfed, Smt. Kanwalpreet Brar, Managing Director, Punjab State Warehousing Corporation, and Sh. Kamal Garg, Managing Director, PUNSUP, have virtually joined the court proceedings.

3. As per tabulated compilation handed over to the Court, though overall percentage of paddy which has already been removed from the grain market to safer places is 92%, however, in Districts Jalandhar, Ludhiana (West), Malerkotla, the percentage is less than 80%. Similarly, in Districts Faridkot, Ferozepur, Hoshiarpur, Mansa, SAS Nagar, SBS Nagar, the percentage of paddy which has already been purchased and moved to safer godowns is less than 90%. The instrumentalities of the State of Punjab have purchased paddy worth Rs.35,000/- crores. As already noticed in the order dated 13.11.2024, the paddy purchased by the instrumentalities of the State is lying in the open because the agencies are failing to make appropriate arrangements as per the immediate requirements.

4. The Principal Secretary, Food, Civil Supplies & Consumer

Affairs, Punjab, has assured that the entire paddy lying in the grain markets located in the State of Punjab shall be moved to safer places within a period of 7 days.

5. The learned counsel representing the instrumentalities of the State have assured that in case of rains, appropriate covers shall be provided by the agency to ensure that the grains do not suffer any damage.

6. Keeping in view the aforesaid facts, the writ petitions are disposed of with liberty to the petitioners to re-visit the court if there is a default. In that situation, the court will be compelled to take an appropriate action including the proceedings under the Contempt of Courts Act, 1971, particularly when thousands of crores of public money has been spent on purchase of the foodgrains but the arrangement to secure its custody are insufficient.

7. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

November 19, 2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No