

2024:PHHC:055754

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

204	CWP-29233-2023
	Date of decision: 24.04.2024
M/S AASHIRVAD RICE MILLS	PETITIONER
Vs.	
STATE OF PUNJAB AND OTHERS	...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Shiv Kumar, Advocate
 for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

None for FCI.

JAGMOHAN BANSAL, J (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 12.04.2021 (Annexure P-4) whereby FCI has declared not to accept rice of the petitioner.

2. One of the partners of the petitioner firm was partner of another firm namely M/s Rishi Rice Mills and the said mill was declared defaulter. As Rishi Rice Mills was declared defaulter, the petitioner was denied allotment of paddy in terms of Clause 7 of Custom Milling Policy for KMS 2020-21. The CBI registered a case against partners of Rishi Rice Mills. Prem Kumar i.e. father of one of partners of petitioner firm has passed away, thus, criminal case against him has abated. The Food Corporation of India, in terms of Clause I of its letter dated 10.10.2012 (Annexure P-5) and Custom Milling Policy for KMS 2020-21 has decided not to accept rice from the petitioner firm. The respondent has already effected recovery from defaulter unit i.e. Rishi Rice Mills, thus, petitioner cannot be debarred far indefinite period.

3. On being confronted with Annexure P-4 dated 12.04.2021, Mr. Aman Dhir, DAG, Punjab submits that considering prevailing Custom Milling Policy, present status of Rishi Rice Mills and petitioner, the Competent Authority within 4 weeks’ from today would pass an appropriate order and communicate to FCI for necessary action.
4. It is made clear that if it is found that no dues are pending against Rishi Rice Mills or the petitioner, the claim of the petitioner for allotment of paddy, in accordance with prevailing Milling Policy, would be considered.
5. Disposed of in above terms.

24.04.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

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