

(2013) 11 DEL CK 0250
In the Delhi High Court
Case No : WP (C) No. 551 of 1992

M/s. Khushi Ram Behari Lal and Others	APPELLANT
Vs	
UOI and Others	RESPONDENT

Date of Decision : 18-11-2013

Acts Referred:

Constitution of India, 1950 — Article 226
Criminal Procedure Code, 1973 (CrPC) — Section 155(2), 156(1), 482
Essential Commodities Act, 1955 — Section 10, 3, 7
Evidence Act, 1872 — Section 106
Penal Code, 1860 (IPC) — Section 120B, 304B, 34, 406, 498A

Citation : (2013) 205 DLT 474

Hon'ble Judges : V.K. Jain, J

Bench : Single Bench

Advocate : D.S. Narula and Mr. Vipin Tyagi, for the Appellant; Avnish Ahlawat and Mr. N.K. Singh, for the Respondent

Final Decision : Dismissed

Judgement

V.K. Jain, J.—The respondent no. 3-Lt. Governor of Delhi, in exercise of powers conferred upon him by Section 3 of Essential Commodities Act promulgated an Order called Delhi Food-grains & Oilseeds (Dealers Licensing) Order, 1988, (hereinafter referred to as the "order") which, inter alia, prohibited any person from carrying on the business as dealer, except in accordance with the terms of the license issued to him in this regard. The term "dealer" has been defined in the aforesaid order, inter alia, to mean a person engaged in the business of purchase, sale or storage for sale of any of the food grains in quantity of 20 quintals each or in quantity of 50 quintals or more of all food grains taken together. The aforesaid order also required any dealer holding a valid license under Delhi Food grains & Oilseeds (Dealers Licensing) Order, 1964 to apply to the Licensing Authority for a fresh license within seven (7) days of the commencement of 1988 Order. The application for grant of license or renewal thereof was to be made in Form-A. Clause 12 of the aforesaid order prohibited a

wholesaler or rice-miller, from having in his possession at any time, rice of all varieties taken together in quantities exceeding 1000 (one thousand quintals), whereas a retailer was prohibited from holding stock of rice of all varieties taken together in quantities exceeding 50 (fifty) quintals. The aforesaid prohibition, however, was not to apply to a commission agent who did not retain any consignment of rice for a period exceeding fifteen (15) days from the date of its receipt, if he had got his license endorsed from the Licensing Authority for working as a commission agent. The second proviso to Clause 12 exempted from its operation the exporters of basmati rice allowed under the Open General License (OGL) upto the quantity required for execution of exports contracts, for which the exporters were to give an undertaking specifying the details of exports including the delivery schedule of basmati rice. A checking of the premises of petitioners no. 1 and 3 was carried out by the officials of the respondents on 21.01.1992 and as many as 46124 bags and 17805 kattas of rice were found in the premises of petitioner no. 1 whereas 8535 bags and 27005 kattas of rice were found in the premises of the petitioner no. 3. Separate FIRs being FIR no. 41/1992 and 42/1992 were registered against the petitioners no. 1 and

2. The case of the petitioners is that out of the bags and kattas of rice found in the premises of the petitioner no. 1, 9577 and 2863 bags were held for less than fifteen (15) days and 15694 bags and 11301 kattas were meant for export and 20875 bags and 3621 kattas are alleged to be held for more than fifteen (15) days. As regards bags and kattas of rice found in the premises of the petitioner no. 3, their case is that 6047 bags and 18972 kattas of rice were held for less than fifteen (15) days and 2488 bags and 8033 kattas of rice were meant for export. According to the petitioners, no rice found in the premises of the petitioner no. 3, was held for more than fifteen (15) days. Thus, according to the petitioners, no offence against the petitioner no. 3 is made out though the petitioners do not seem to be disputing that as far as petitioner no. 1 is concerned, it was holding rice, not meant for export, for more than fifteen (15) days. The charge-sheet against petitioners no. 1 and 3 for having committed offences punishable u/s 7 of the Essential Commodities Act, 1955 was filed, but vide interim orders of this Court, the proceedings pending in the Court of Additional Sessions Judge were stayed by this Court. Later, charges were framed against the petitioners and their partners on 4.5.2012.

3. In the original writ petition, the petitioners sought the following reliefs:

a) issue a Rule Nisi for the grant of the relief hereinbelow prayed for and to issue appropriate writs, orders and directions in the nature of mandamus, prohibition, injunction or otherwise annulling and striking down the 1988 order, the impugned searches and seizure, the registration of cases if any consequent upon and arising out of the impugned searches and restrain the respondents from taking or continuing any further action or steps under the impugned order and/or in pursuance of the First Information Report (Annexure P-1) and the impugned searches and seizure;

b) grant an interim stay of all further steps, actions or proceedings in pursuance of the FIR (Annexure P-1) impugned searches and seizures and/or till final disposal of this writ petition and direct immediate release of the seized stocks to the petitioners to enable them to continue their business without any further loss of time, as the continued seizure of the stocks is not for the benefit of anyone and the comparative mischief which the continued seizure would cause to the petitioners and the parties to whom the rice has to be supplied/exported is irreparable.

4. Vide order dated 17.7.1992, this Court directed the petitioners to submit a representation to the Lt. Governor of Delhi. The said representation was submitted on 31.7.1992. Vide communication dated 15.10.1992, sent to Ms. Avnish Ahlawat, the learned counsel for the respondents, the Deputy Commissioner (Enforcement) in Food Supply Department forwarded to her, the orders disposing of the said representation dated 31.7.1992 submitted by the petitioners. The case of the petitioners, however, is that no such order has been served upon them. The aforesaid letter dated 15.10.1992 was filed in the Court on 30.10.1992 and the order disposing of the representation dated 31.7.1992 was not annexed to the said communication. However, in their counter affidavit to the original writ petition, the respondents have stated that a decision has been taken by the respondents that in case on inquiry it is established or the parties are able to prove that the stocks were meant for export and their only offence was that they had not taken a licence and had not observed the formalities required for export, only warning would be issued to them, though they would be required to obtain a license and observation of the formalities in future.

5. Vide order dated 9.8.2011, a Division Bench of this Court disposed of the writ petition with directions to the respondents to take a decision regard being had to the totality of circumstances whether it would like to proceed with the prosecution against the petitioners at such a distance of time and under the obtaining factual matrix. Pursuant to the aforesaid directions, the respondents, vide order dated 16.2.2013, after issuing notice to the petitioners and hearing them, decided that since the matter is sub judice and the charge-sheet has already been filed, it would be appropriate that the law may take its own course and decide the matter on merit. Pursuant to the aforesaid order, the writ petition was amended by the petitioners so as to challenge the aforesaid order dated 16.2.2013 and the following are the reliefs claimed in the amended writ petition:

a) issue a Rule Nisi for the grant of the relief hereinbelow prayed for and to issue appropriate writs, orders and directions in the nature of mandamus, prohibition, injunction or otherwise annulling and striking down the 1988 order, the impugned searches and seizure, the registration of cases if any consequent upon and arising out of the impugned searches and restrain the respondents from taking or continuing any further action or steps under the impugned order and/or in pursuance of the First Information Report (Annexure P-1) and the impugned searches and seizure;

b) grant an interim stay of all further steps, actions or proceedings in pursuance of the FIR (Annexure P-1) impugned searches and seizures and/or till final disposal of this writ petition and direct immediate release of the seized stocks to the petitioners to enable them to continue their business without any further loss of time, as the continued seizure of the stocks is not for the benefit of anyone and the comparative mischief which the continued seizure would cause to the petitioners and the parties to whom the rice has to be supplied/exported is irreparable;

c) grant such other final and/or interim relief as may appear to your Lordships to be just, fit and proper in the circumstances of the case to meet the requirements of equity and fair play, for which favour your humble petitioner shall every pray; and

d) issue a writ of certiorari quashing the letter dated 18.11.2011 and the order dated 14.2.2013 passed by the respondent and direct the respondent to dispose of the case of the petitioner in parity with cases of other rice dealers and/or quash the pending criminal cases pending against the petitioner arising out of the FIR no. 41/1992 and FIR No. 42/1992 registered at Lahori Gate station.

6. Though the petitioners have, even in the amended writ petition, challenged the 1988 Order, no arguments on the alleged invalidity of the said Order were advanced by the learned senior counsel for the petitioners and even the written submissions filed by the petitioners, contain no arguments with respect to the alleged illegality/invalidity of the aforesaid Order. Even otherwise, considering the objective behind the said Order i.e. to ensure availability of food grains to the citizens, by preventing their hoarding by unscrupulous dealers, and the Order being within the competence of the Lieutenant Governor, I find no merit in the challenge.

7. Primarily, two offences are alleged to have been committed by the petitioners, the first being their failure to obtain license in terms of the requirement of Delhi Food-grains & Oilseeds (Dealers Licensing) Order, 1988 and the other being possession of rice not meant for export, beyond the specified quantity, for more than fifteen (15) days.

8. As regards, the failure to obtain a licence, a perusal of Clause (3) of the aforesaid order would show that every dealer who was holding a valid license under the Delhi Food grains & Oilseeds (Dealers Licensing) Order, 1964, was required to apply to the Licensing Authority for a fresh license within seven (7) days of the commencement of the 1988 order. This is not the case of the petitioners that they had applied to the respondents for grant of license under 1988 Order within seven (7) days of the commencement of the said order. Therefore, the petitioners contravened the provisions of the aforesaid order by not applying for the required license within the period stipulated in this regard. The case of the petitioners is that the aforesaid order dated 4.11.1988 remained dormant for quite some time and on coming to know of the said order, a large

number of dealers including the petitioners submitted applications, in the year 1989 for grant of requisite license, but no decision on their applications was taken. The case of the respondents is that since the petitioners had not applied in the prescribed format, they could not have taken any decision on the applications submitted by them. Be that as it may, the fact remains that the petitioners did not apply for grant of license within seven (7) days of the commencement of the 1988 Order thereby contravening its provision. It would be seen from the counter affidavit of the respondents that a policy decision was taken by them, to administer only warning in cases where the only offence alleged was not taking a licence and the parties were found to be holding rice meant only for export. This was to be decided after holding an inquiry by the department or the parties otherwise being able to prove that the stocks were meant only for export. Even the case of the petitioners appears to be that as far as petitioner No. 1 is concerned, it was holding 20875 bags and 3621 kattas of rice for more than fifteen (15) days and the said stock was not meant for export. In any case, since the allegations against the petitioners are not confined to holding rice without obtaining the requisite license but also include holding rice, not meant for export, for more than fifteen (15) days, the aforesaid decision of the Government would not apply in the case of petitioner No. 1. Same would be the position as regards petitioner No. 3, since the case of the respondents is that the said petitioner was also holding rice beyond permissible quantities for more than fifteen (15) days and the said rice was not meant for export. In any case, it is not possible for this Court to go into the question as to whether the entire stock of rice held by the petitioners was otherwise held for less than fifteen (15) days or was meant for export, as is claimed by it. In fact, considering that the evidence as to the date of purchase of food grain found in their presence at the time of checking as well as the evidence of its being held for export is in possession of the petitioner, and keeping in mind the provisions of Section 106 of Evidence Act, placing the burden of proving a fact, especially in the knowledge of any person, on that person, it is for the petitioners to establish, if they so claim, that the rice found in their premises was not held for more than 15 days or where it was so held, it was meant for export. Therefore, in exercise of its writ jurisdiction, the Court cannot direct the respondents to let off the petitioners only with a warning. In any case, the charge-sheet against the petitioners have already been filed and charges having been framed, no such course of action can be adopted by the respondents at this stage.

9. The case of the petitioners is primarily based on the alleged discrimination vis-?-vis them since according to them some of the dealers who were similarly situated were let off without prosecution whereas charge sheet has been filed against them. In this regard, the petitioners have referred to cases of M/s. Satnam Overseas (Exports), M/s. Unigrain Pvt. Ltd., M/s. Hardev Sahai Munni Lal, M/s. Durga Traders.

10. A perusal of the Memorandum dated 14.2.1992 issued by the Deputy Commissioner (Food Enforcement) would show that when the premises of

Satnam Overseas (Exports) was checked on 25.1.1992, the said firm was found to be functioning without a food grain license and holding stocks more than permissible limits. On examination of the documents it was found that the said firm was an exporter. The aforesaid firm was, therefore, directed to obtain the licence under the provision of the Order and was let off with a warning to be careful in future. A perusal of the counter affidavit and the order passed by the Deputy Commissioner (Food Enforcement) would show that the aforesaid decision was taken after examination of reservation, copies of letters of intent and other documents produced by the firm and the stock which was held for more than fifteen (15) days, was meant for export. However, in the case before this Court neither petitioner No. 1 nor petitioner No. 3 is an exporter and the case of the petitioners is that petitioner No. 2 is an exporter and the stock meant for export was being held for the said petitioners.

A perusal of the counter affidavit would show that the exemption under the Order was available only to the exporters having export contract and not to the traders who sell the commodities to an exporter and petitioner No. 2 is a legal entity separate from petitioner Nos. 1 & 3. The counter affidavit also shows that there was no material to establish that petitioner Nos. 1 & 3 while working as Commission Agents had earmarked a particular portion of the stock to be sold to their sister concern engaged in the business of export of rice. It is further pointed out in the counter affidavit that the total stock belonged to the aforesaid petitioners 1 & 3 and continued to be so reflected in the books. Since the petitioners, could not establish before respondents, before they were charge sheeted, that the rice found with them was either held for less than fifteen (15) days or was meant entirely for export in terms of Order dated 4.11.1988, the charge sheet filed against them cannot be quashed merely on account of the treatment meted out to Satnam Overseas. It would also be appropriate to note here that the proviso to sub-clause (1) of Clause 12 excludes the exports of Basmati rice from the purview of the Order only in respect of export allowed under the OGL, up to the quantity required for execution of export contracts for, which the exporter was to give an undertaking specifying the details of export including delivery schedule of Basmati rice and there is nothing on record to show that any such undertaking was given by petitioner No. 2 in respect of the rice found in the premises of petitioner Nos. 1 & 3.

11. The proviso to sub-clause (2) of Clause 12 excludes from the purview of the said clause a Commission Agent who does not attend any consignment of rice received by him for a period exceeding fifteen (15) days from the date of its receipt if he has got his licence endorsed from the licensing authority for working as a Commission Agent. Admittedly, petitioner Nos. 1 & 3 did not obtain requisite license under Order dated 4.11.1988 and, therefore, there could be no question of getting the same endorsed from the licensing authority. Moreover, this is not the case of the petitioners that the entire stock found in their premises had been retained by them for a period not exceeding fifteen (15) days from the date of its receipt.

12. As regards the case of M/s. Unigrain Pvt. Ltd., a perusal of the order dated 19.2.1992 would show that the said firm was engaged in packing of the goods of M/s. R. Tulsi Das Group of Companies, who were Bombay based exports and de facto owner of the goods, which Unigrain Pvt. Ltd., had procured for the purpose of export by the said Group, with the funds advanced by them. However, in the case before this Court, there is no material on record to show that the entire rice found with petitioners 1 & 3 was meant only for exports and it was procured by petitioner Nos. 1 & 3 from the funds provided to them by petitioner No. 2. A perusal of the counter affidavit would also show that the respondents had found that M/s. R. Tulsi Das was having valid export contracts, the godown was owned by them and so was the Sortex machine installed in the said godown. In these circumstances it was concluded by the respondents that M/s. Unigrain was working merely as a packer procuring the commodity for and on behalf of the exporter, whereas in the case of the petitioners the commodity belonged to them and they were selling the same to several traders in the normal course of their business. The respondents also found that the ownership of the commodity, i.e., rice also did not vest in petitioner No. 2. Therefore, on facts, the case of M/s. Unigrain Pvt. Ltd. Was also altogether different from the case of the petitioners.

13. As regards, M/s. Hardev Sahai Munni Lal and M/s. Durga Traders, a perusal of the Memoranda dated 14.9.1992 and 4.9.1992 respectively shows that these are cases of contravention of Delhi Pulses (Licensing of Dealers) Control Order, 1974, which is an Order wholly different from the Order dated 4.11.1988. The petitioners have also placed on record a communication sent by the Delhi Administration to the Director of Prosecution, Delhi requesting him to take up the matter for withdrawal of cases against the persons involved in FIR No. 101/89, P.S. Samai Pur Badli under Sections 7/10/55 of the Essential Commodities Act against M/s. Krishna Traders. However, it is not known what were the allegations against the aforesaid firm and under what circumstances the decision was taken to withdraw the aforesaid case. It is also not known whether the case was actually withdrawn by the Public Prosecutor or not.

14. Even if I assume, for the sake of arguments, that the respondents either did not prosecute or withdrew the case instituted against some other dealers who had contravened the provisions of Order dated 4.11.1988 or Delhi Pulses (Licensing of Dealers) Control Order, 1974, the charges already framed against the petitioners cannot be quashed on that ground alone. A person cannot claim, in law, that merely because something wrong has been done by the Government in another case, similar wrong should be committed in his case as well, thereby repeating the same mistake once again. There is no question of any discrimination in such a case and negative equality cannot be claimed by any person. The concept of equality before law and equal treatment by the State presupposes existence of a legal right vesting in the petitioner and a wrongful action on the part of the State. Therefore, a wrong committed by the Government in one case cannot be the basis for directing the State to commit a similar wrong in yet another case. It may be possible for a person to question the validity of an

Order passed in favour of a person, who in law was not entitled to such an Order but he cannot claim passing of an Order which is not sanctified by law and would result in condoning a contravention of law which is punishable as an offence. The Court cannot direct the State to continue and perpetuate an illegality even if it finds that the State did commit an illegality in an earlier case. The extraordinary and discretionary power of the High Court under Article 226 of the Constitution of India can be claimed for enforcement of a legal right and against a positive discrimination by the State but such powers cannot be exercised for the purpose of perpetuating an illegal act committed by the State.

15. In *State of Haryana and others Vs. Ch. Bhajan Lal and others*, , the Hon''ble Supreme Court illustrated the following categories of cases in which the Court would be justified in quashing a charge sheet/FIR filed by the State:

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the First Information Report and other materials, if any accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers u/s 156(1) of the Code except under an order of Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the F.I.R. or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where the allegations in the F.I.R. do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated u/s 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.

In *R. Kalyani Vs. Janak C. Mehta and Others*, , the Hon''ble Supreme Court summarized the proposition of law on the subject as under:

(1) The High Court ordinarily would not exercise its inherent jurisdiction to quash a criminal proceeding and, in particular, a first information report unless the allegations contained therein, even if given face value and taken to be correct in their entirety, disclosed no cognizable offence.

(2) For the said purpose the Court, save and except in very exceptional circumstances, would not look to any document relied upon by the defence.

(3) Such a power should be exercised very sparingly. If the allegations made in the FIR disclose commission of an offence, the Court shall not go beyond the same and pass an order in favour of the accused to hold absence of any mens rea or actus reus.

(4) If the allegation discloses a civil dispute, the same by itself may not be a ground to hold that the criminal proceedings should not be allowed to continue.

Applying the principles of law enunciated in the above-referred cases no ground for quashing the charges framed against the petitioners has been made out. It would be pertinent to note here that on filing of charge sheet against petitioner Nos. 1 & 3 and their respective partners, this Court had by way of an interim order dated 24.2.1995 stayed further proceedings in the criminal case pending against them. The proceedings in the said cases resumed on disposal of the writ petition vide order dated 9.8.2011 and charges were framed against the aforesaid persons on 4.5.2012. It would only be appropriate in the fitness of things to allow the law to take its own course instead of interfering with the criminal proceedings at this stage.

16. The learned senior counsel for the petitioners has placed reliance on Govind and Others Vs. The State (Govt. of NCT of Delhi), ; Yogender Singh and Others Vs. State and Another, & O.P. Malhotra and Another Vs. The State, to substantiate the pleas advanced.

In Govind & Ors. (supra) this Court in exercise of inherent powers quashed a complaint under Sections 498A/406/34 IPC pursuant to a settlement arrived at between the husband and the wife. The aforesaid judgment would certainly not apply in a case of commission of an economic offence. During the course of the aforesaid judgment, this Court observed that in cases where the ultimate chances of conviction is very bleak or there is no prospect of case ending in conviction, in such a case no useful purpose is likely to be served by allowing a criminal trial to be continued. However, the aforesaid observations would not apply to the case before this Court since it cannot be said on the basis of the material available before this Court that there is no prospect of the petitioners getting convicted for contravention of the Order dated 4.11.1988.

In Yogender Singh & Ors. (supra), the Court found contravention of mandatory provisions of Rule 18 of the Prevention of Food Adulteration Rules, 1955 and it was in these circumstances that the criminal proceedings were quashed. No such case, however, has been made out by the petitioners before this Court.

In P.P. Malhotra & Anr. (supra), charges were framed against the husband and his family members under Sections 498A/304B/120B of IPC. The husband, who was the principal accused, died during the pendency of the criminal case and in a revision filed by the sister-in-law against the order on charge, the charges framed against her were set aside. The aforesaid order was challenged by the State and the complainant. The SLPs filed by the State as well as the complainant were, however, dismissed. It was in these circumstances that the petitioners before the Court filed a petitioner u/s 482 of the Code of Criminal Procedure, 1973 for quashing the proceedings. It was noted that the parents and sister-in-law of the deceased were indicted in the subsequent dying declarations and the main cause of unhappiness of the complainant with the deceased husband was his frequent quarrels. It was held by the Court that since the sister-in-law and parents-in-law fell in the same bracket, there would be inconsistency if the sister-in-law is discharged and the parents-in-law are tried and, therefore, benefit of parity should not be denied to the parents-in-law. This judgment would be of no consequence since this is not a case of one co-accused seeking quashing of the criminal case on the ground that the other co-accused who were similarly situated and were facing trial on identical allegations have been discharged.

17. During the course of arguments, the learned senior counsel for the petitioners drew my attention to the interim orders dated 12.3.1992 and 10.4.1992 passed by the Division Bench in this case. In the order dated 12.3.1992, the Court observed that the stock seized from petitioner No. 1 consisted of three categories namely (i) stock which was held for less than fifteen (15) days; (ii) stock which was held for less than fifteen (15) days but was meant for export and (iii) the stock which was held for more than fifteen (15) days but was not meant for export. As regards petitioner No. 3 it was observed that the majority of the stock was held for less than fifteen (15) days and certain stock was meant for export but remained with the said petitioners for less than fifteen (15) days. Referring to the above-referring observation of the Court, the learned senior counsel for the petitioners contended that as far as petitioner No. 3 is concerned, the stock was either held for less than fifteen (15) days or was meant for export. However, there is nothing in the aforesaid order to indicate that the aforesaid observation was a finding rendered by the Court in this regard. The aforesaid observation appears to be only the case of the petitioners as propounded by their counsel. This would be quite clear from subsequent paragraphs in which the Court noted the submission of the respondents that there were other stock which were held for more than fifteen (15) days and as regards the stock meant for export the documents produced by the petitioners did not clearly prove that the said stock was meant for export, since petitioner No. 1 was only a Commission Agent and it was petitioner No. 2 who was the exporter and there was nothing on record to show that the stock which was seized and was retained by petitioner No. 1 for and on behalf of petitioner No. 2, for export against confirmed letters of credit in favour of petitioner No. 2. In fact vide order dated 10.4.1992, the Court observed that of the stock seized from the

petitioners, part of the same was with the petitioners for less than fifteen (15) days, part was for export and part was admittedly not for export.

It was also submitted by the learned counsel for the petitioners that since part stock of the rice was later exported with the permission of the Court this by itself is a proof that, to this extent, the rice found in the premises of the petitioners was meant for export. I, however, cannot accept this contention. Export at a later date, after search by the Food & Supplies Department does not by itself prove that at the time the stock was seized, it was meant for export under confirmed letters of credit in terms of the Order dated 4.11.1988. Therefore, nothing really turns on the observations made by this Court in the interim orders and export of rice during the pendency of the writ petition.

For the reasons stated hereinabove, I find no merit in the writ petition and the same is hereby dismissed.