



CGHC010245792026



2026:CGHC:27371

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by RAVVA
UTTEJ KUMAR
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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 3388 of 2026

1 - Adimjati Seva Sahkari Samiti Maryadit Gangalur, Distt. Bijapur, C.G., Procurement Centre Gangalur Through In Charge Manager Sandeep Kumar Sahu, S/o Ashok Kumar Sahu, Aged About 33 Years, R/o Shantinagar, Bijapur, Distt. Bijapur, Chhattisgarh.

--- **Petitioner(s)**

versus

1 - State of Chhattisgarh, through The Secretary, Department Of Food And Civil Supply, Mahanadi Bhawan, Nava Raipur, Atal Nagar, Raipur, Chhattisgarh.

2 - State Of Chhattisgarh Through Secretary Department Of Co-Operative Society, Mahanadi Bhawan, Mantralaya, New Raipur, Atal Nagar, Distt. Raipur, Chhattisgarh.

3 - Collector Bijapur, Chhattisgarh.

4 - Managing Director Chhattisgarh State Co-Operative Marketing Federation Limited, 6th Floor, Tower-C, Commercial Complex, C B D Sector 21 Atal Nagar Nawa Raipur, Distt. Raipur, Chhattisgarh.

5 - District Marketing Officer Chhattisgarh Rajya Sahkari Vipdan Sangh Maryadit, Distt. Bijapur, Chhattisgarh.

6 - Assistant Registrar/ Commissioner Co-Operative Societies Bijapur, Distt. Bijapur, Chhattisgarh.

7 - Nodal Officer Zila Sahakri Kendriya Bank Maryadit, Distt. Bijapur, Chhattisgarh.

8 - Chief Executive Officer Zila Sahkari Kendriya Bank Bijapur, Distt. Bijapur, Chhattisgarh.

9 - Nodal Officer Assistant Commissioner, District Co-Operative Central Bank, Distt. Bijapur, Chhattisgarh.

--- Respondents

WPC No. 3389 of 2026

1 - Adimjati Seva Sahkari Samiti Maryadit District Bastar C.G. Procurement Centre Taragaon Through In Charge S/o Jagat Ram Sethya Aged About 58 Years R/o Gram Panchayat Badlawand, Post Jaitgiri, Badlawand, Pahurbel District Baster C.G.

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary Department Of Food And Civil Supply Mahanadi Bhawan Nava Raipur Atal Nagar Raipur C.G.

2 - State Of Chhattisgarh Through Secretary Department Of Co-Operative Society Mahanadi Bhawan Mantralaya New Raipur Atal Nagar District Raipur C.G

3 - Chhattisgarh State Cooperative Marketing Federation Limited Through Its

Managing Director Chhattisgarh State Cooperative Marketing Federation Limited Atal Nagar Nawa Raipur District Raipur C.G.

4 - The Registrar Co-Operative Societies Indrawati Bhawan Atal Nagar Nawa Raipur District Raipur C.G.

5 - The Collector Bastar District Bastar (Jagdalpur) C.G.

6 - District Marketing Officer Bastar District Bastar Jagdalpur C.G.

7 - Chhattisgarh Rajya Sahkari Bank (Apex Bank) Through The Managing Director Chhattisgarh Rajya Sahkari Bank Maryadit Head Office Sahkar Bhawan Plot No 74, Sector 24, Nawa Raipur Atal Nagar District Raipur C.G

8 - District Cooperative Central Bank Limited Jagdalpur Through Its Chief Executive Officer District Co-Operative Central Bank Limited Jagdalpur District Bastar At Jagdalpur C.G.

9 - District Food Officer Jagdalpur District Bastar At Jagdalpur C.G.

10 - The Deputy Registrar Cooperative Societies Jagdalpur District Bastar Jagdalpur C.G.

... Respondents

WPC No. 3391 of 2026

1 - Adimjati Seva Sahkari Samiti Maryadit Lamker District Bastar (C.G.) Procurement Centre Lamker Through In -Charge Bhaduram Kashyap, S/o Ledu Ram Kashyap Aged About 40 Years R/o Pidsiguda Bhond Lamker District Bastar (C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary Department Of Food And Civil Supply, Mahanadi Bhawan Nawa Raipur, Atal Nagar, Raipur (C.G.)

2 - State Of Chhattisgarh Through The Secretary Department Of Co-Operative Society, Mahanadi Bhawan Mantralaya New Raipur, Atal Nagar District Raipur Chhattisgarh.

3 - Chhattisgarh State Cooperative Marketing Federation Limited Through Its Managing Director, Chhattisgarh State Cooperative Marketing Federation Limited, Atal Nagar Nawa Raipur District Atal Nagar Nawa Raipur District Raipur (C.G.)

4 - The Registrar , Co-Operative Societies Indrawati Bhawan, Atal Nagar Nawa Raipur District Raipur (C.G.)

5 - The Collector ,bastar District Bastar At Jagdalpur (C.G.)

6 - District Marketing Officer, Bastar District Bastar At Jagdalpur (C.G.)

7 - Chhattisgarh Rajya Sahkari Bank (Apex Bank) Through The Managing Director, Chhattisgarh Rajya Sahkari Bank Maryadit Head Office- Sahkar Bhawan Plot No.74, Sector 24, Nawa Raipur Atal Nagar District Raipur (C.G.)

8 - District Cooperative Central Bank Limited , Jagdalpur Through Its Chief Executive Officer District Co-Operative Central Bank Limited Jagdalpur, District Bastar At Jagdalpur (C.G.)

9 - District Food Officer,jagdalpur, - District Bastar At Jagdalpur (C.G.)

10 - The Deputy Registrar,cooperative Societies, Jagdalpur, District Bastar At Jagdalpur (C.G.)

... Respondents

WPC No. 3392 of 2026

1 - Adimjati Seva Sahkari Samiti Maryadit Lamker District- Bastar (C.G.) Procurement Centre Nandisagar Through In-Charge Bhaduram Kashyapo

S/o Ledu Ram Kashyap Age About 40 Years R/o Pidsiguda Bhond Lamker
District- Bastar (C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary Department Of Food And Civil Supply Mahanadi Bhawan Nava Raipur Atal Nagar, Raipur (C.G.)

2 - State Of Chhattisgarh Through Secretary Department Of Co- Operative Society Mahanadi Bhawan Mantralaya New Raipur Atal Nagar District- Raipur Chhattisgarh,

3 - Chhattisgarh State Cooperative Marketing Federation Limited Through Its Managing Director, Chhattisgarh State Cooperative Marketing Federation Limited Atal Nagar Nawa Raipur District- Atal Nagar, Nawa Raipur District- (Raipur (C.G.)

4 - The Registrar Co Operative Societies Indrawati Bhawan Atal Nagar Nawa Raipur District- Raipur (C.G.)

5 - The Collector Bastar District- Bastar (Jagdalpur) C.G.

6 - District Marketing Officer Bastar District- Bastar/ Jagdalpur (C.G.)

7 - Chhattisgarh Rajya Sahkari Bank (Apex Bank) Through- The Managing Director Chhattisgarh, Rajya Sahkari Bank Maryadit Head Office Sahkar Bhawan Plot No.74 Sector -24 Nawa Raipur Atal Nagar District- Raipur (C.G.)

8 - District Cooperative Central Bank Limited Jagdalpur Through Its Chief Executive Officer, District- Co- Operative Central Bank Limited Jagdalpur District- Bastar/ Jagdalpur (C.G.)

9 - District Food Officer Jagdalpur District- Bastar Jagdalpur (C.G.)

10 - The Deputy Registrar Cooperative Societies Jagdalpur District- Bastar Jagdalpur (C.G.)

... Respondents

WPC No. 3401 of 2026

1 - Adimjati Seva Sahkari Samiti Maryadit Sonarpal District- Bastar (C.G.) Procurement Centre Sonarpal Through- In-Charge Premnath Baidh S/o Motiram Baidh Aged About 61 Years R/o Khalepara Seoni District- Bastar (C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through- The Secretary Department Of Food And Civil Supply Mahanadi Bhawan Nava Raipur Atal Nagar, Raipur (C.G.)

2 - State Of Chhattisgarh Through- Secretary Department Of Co- Operative Society Mahanadi Bhawan Mantralaya New Raipur Atal Nagar, District- Raipur Chhattisgarh,

3 - Chhattisgarh State Cooperative Marketing Federation Limited Through Its Managing Director, Chhattisgarh State Cooperative Marketing Federation Limited Atal Nagar Nawa Raipur District- Atal Nagar, Nawa Raipur District- (Raipur (C.G.)

4 - The Registrar Co- Operative Societies Indrawati Bhawan Atal Nagar, Nawa Raipur District- Raipur (C.G.)

5 - The Collector Bastar District- Bastar (Jagdalpur) (C.G.)

6 - District Marketing Officer Bastar District- Bastar Jagdalpur (C.G.)

7 - Chhattisgarh Rajya Sahkari Bank (Apex Bank) Through The Managing

Director Chhattisgarh Rajya Sahkari Bank Maryadit Head Office Sahkar Bhawan Plot No.74 Sector 24 Nawa Raipur Atal Nagar District- Raipur (C.G.)

8 - District Cooperative Central Bank Limited Jagdalpur Through Its Chief Executive Officer District- Co- Operative Central Bank Limited Jagdalpur District- Bastar Jagdalpur (C.G.)

9 - District Food Officer Jagdalpur District- Bastar Jagdalpur (C.G.)

10 - The Deputy Registrar Cooperative Societies Jagdalpur District- Bastar Jagdalpur (C.G.)

... Respondents

WPC No. 3403 of 2026

1 - Adimjati Seva Sahkari Samiti Maryadit Madded Distt. Bijapur, C.G., Procurement Centre Madded Through In Charge Manager G. Prasad, S/o Venkateshwar, Aged About 42 Years, R/o Villae Madded Bhopalpatnam, Distt. Bijapur, Chhattisgarh.

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Food And Civil Supply, Mahanadi Bhawan, Nava Raipur, Atal Nagar, Raipur, Chhattisgarh.

2 - State Of Chhattisgarh Through Secretary Department Of Co-Operative Society, Mahanadi Bhawan, Mantralaya, New Raipur, Atal Nagar, Distt. Raipur, Chhattisgarh.

3 - Collector Bijapur, Chhattisgarh.

4 - Managing Director Chhattisgarh State Co-Operative Marketing Federation Limited, 6th Floor, Tower-C, Commercial Complex, C B D Sector 21 Atal Nagar Nawa Raipur, Distt. Raipur, Chhattisgarh.

5 - District Marketing Officer Chhattisgarh Rajya Sahkari Vipdan Sangh Maryadit, Distt. Bijapur, Chhattisgarh.

6 - Assistant Registrar/ Commissioner Co-Operative Societies Bijapur, Distt. Bijapur, Chhattisgarh.

7 - Nodal Officer Zila Sahakri Kendriya Bank Maryadit, Distt. Bijapur, Chhattisgarh.

8 - Chief Executive Officer Zila Sahkari Kendriya Bank Bijapur, Distt. Bijapur, Chhattisgarh.

9 - Nodal Officer Assistant Commissioner, District Co-Operative Central Bank, Distt. Bijapur, Chhattisgarh.

... Respondents

WPC No. 3404 of 2026

1 - Adimjati Seva Sahkari Samiti Maryadit Awapalli District Bijapur (C.G.) Procurement Centre Modakpal Through In Charge Manager Ramesh Korsu, S/o Narsaiyyah, Aged About 39 Years, R/o Panganpal, Modakpal, District Bijapur (C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Food And Civil Supply, Mahanadi Bhawan, Nava Raipur, Atal Nagar, Raipur Chhattisgarh

2 - State Of Chhattisgarh Through Secretary Department Of Co-Operative Society, Mahanadi Bhawan Mantralaya, New Raipur, Atal Nagar, District Raipur Chhattisgarh

3 - Collector Bijapur Chhattisgarh

4 - Managing Director Chhattisgarh State Co-Operative Marketing Federation Limited, 6th Floor, Tower-C, Commercial Complex, C B D Sector 21 Atal Nagar Nawa Raipur District Raipur Chhattisgarh

5 - District Marketing Officer Chhattisgarh Rajya Sahkari Vipdan Sangh Maryadit District Bijapur Chhattisgarh

6 - Assistant Registrar/ Commissioner Cooperative Societies Bijapur, District Bijapur Chhattisgarh

7 - Nodal Officer Zila Sahkari Kendriya Bank Maryadit District Bijapur Chhattisgarh

8 - Chief Executive Officer Zila Sahkari Kendriya Bank Bijapur District Bijapur Chhattisgarh

9 - Nodal Officer/ Assistant Commisioner District Co-Operative Central Bank, District Bijapur Chhattisgarh

... Respondents

WPC No. 3406 of 2026

1 - Adimjati Seva Sahkari Samiti Maryadit Jaitgiri District Bastar (C.G.) Procurement Centre Jaitgiri Through In- Charge Satish Pandey S/o Bacchi Prasad Pandey Aged About 37 Years R/o Avarabhata, Bhima Dongari Para Jaibel District- Bastar (C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Food And Civil Supply, Mahanadi Bhawan , Nava Raipur, Atal Nagar, Raipur (C.G.)

2 - State Of Chhattisgarh Through Secretary, Department Of Co-Operative Society Mahanadi Bhawan, Mantralaya, New Raipur, Atal Nagar, District- Raipur Chhattisgarh

3 - Chhattisgarh State Cooperative Marketing Federation Limited, Through Its Managing Director, Chhattisgarh State Cooperative Marketing Federation Limited Atal Nagar, Nawa Raipur, District- Raipur (C.G.)

4 - The Registrar Co-Operative Societies Indrawati Bhawan Atal Nagar, Nawa Raipur , District- Raipur (C.G.)

5 - The Collector, Bastar , District - Bastar (Jagdalpur) (C.G.)

6 - District Marketing Officer Bastar District Bastar At Jagdalpur (C.G.)

7 - Chhattisgarh Rajya Sahkari Bank (Apex Bank) Through The Managing Director, Chhattisgarh Rajya Sahkari Bank Maryadit , Head Office Sahkar Bhawan, Plot No. 74, Sector- 24, Nawa Raipur Atal Nagar, District- Raipur (C.G.)

8 - District Cooperative Central Bank Limited, Jagdalpur Through Its Chief Executive Officer, District Co-Operative Central Bank Limited Jagdalpur, District -Bastar At Jagdalpur (C.G.)

9 - District- Food Officer Jagdalpur, District Bastar At Jagdalpur (C.G.)

10 - The Deputy Registrar Cooperative Societies Jagdalpur District Bastar At Jagdalpur (C.G.)

... Respondents

WPC No. 3414 of 2026

1 - Adimjati Seva Sahkari Samiti Maryadit Badeguda District Bijapur (C.G.)
Procurement Center Badeguda Through In Charge Manager Gopal Lambadi

S/o Mondhi Aged About 55 Years R/o Gotaiguda, Timed, Bhopalpatnam,
District Bijapur (C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Food And
Civil Supply Mahanadi Bhawan Nava Raipur, Atal Nagar Raipur (C.G.)

2 - State Of Chhattisgarh Through The Secretary, Departmen Of Co -
Operative Society Mahanadi Bhawan Mantralaya New Raipur, Atal
Nagardistrict Raipur Chhattisgarh

3 - Collector Bijapur, Chhattisgarh.

4 - Managing Director Chhattisgarh State Co -Operative Marketing
Federation Limited 6th Floor,complex C.B.D. Sector 21 Atal Nagar Nawa
Raipur District Raipur Chhattisgarh.

5 - District Marketing Officer Chhattisgarh Rajya Sahkari Vipdan Sangh
Maryadit District Bijapur Chhattisgarh.

6 - Assistant Registrar / Commissioner Cooperative Societies Bijapur District
Bijapur Chhattisgarh.

7 - Nodal Officer Zila Sahakri Kendriya Bank Maryadit District Bijapur
Chhattisgarh.

8 - Chief Executive Officer Zila Sahkari Kendriya Bank Bijapur District
Bijapur, chhattisgarh

9 - Nodal Officer /assistant Commissioner District Co-Operative Central Bank
District Bijapur Chhattisgarh

... Respondents

(Cause title is downloaded from CIS Periphery)

For Petitioner(s)	: Ms. Renu Kochar, Advocate along with Mr. Vaibhav Mittal, Advocate.
For State	: Shri Sabyasachi Choubey, GA, Shri Shreyansh Mehta, PL, Dr. Arham Siddiqui, PL, Shri Soumitra Kesharwani, PL, and Shri Amit Nayak, PL.
For Respondent No. 3 & 5	: Mr. Harshal Chauhan, Advocate.
For Respondent No. 4/ MARKFED	: Shri Mayank Kumar, Advocate.
For District cooperative Central Bank	: Shri Keshav Dewangan, Advocate.
For Respondent No.7	: Shri Khilendra Sahu appears on behalf of Shri Shaleen Singh Baghel, Advocate.

SB: Hon'ble Mr. Justice Amitendra Kishore Prasad
Order on Board

03/07/2026

1. All these captioned writ petitions share a common background and involve the same issues, therefore, they were clubbed, heard together and are disposed of by this common order.
2. For the sake of convenience, Writ Petition (C) No. 3388 of 2026 is treated as the lead case for the purpose of disposing all the writ petitions. The petitioner in the said writ petition has prayed for the following reliefs :-

"10.1 A writ and/or an order in the nature of appropriate writ do issue calling the records from the respondent authorities concerned pertaining to case of the petitioner for perusal of this Hon'ble Court, if thinks fit in the facts & circumstances of case.

10.2 A writ and/or an order in the nature of appropriate writ do issue restraining the respondents from the recovery of any loss of paddy due delay in lifting of paddy by the respondent itself and for which loss of moisture

the said loss must be counted in driage and further pleased to direct the respondents to consider and decide the representation of the petitioner in the light of the agreement in the facts and circumstances.

10.3 A writ and/or an order in the nature of appropriate writ do issue restraining the respondents from adopting the unlawful act for the recovery of the loss which is due to the respondents own fault.

10.4 A writ and/or an order in the nature of appropriate writ do -issue directing the respondent to follow the policy framed in this regard for the resolution of the dispute

10.5 That this Hon'ble court may be further pleased to pass any other consequential and other orders/writs which this Hon'ble court deems just and proper in the facts and circumstances of the case."

3. Succinctly stated, the facts of the case, as canvassed by the petitioner, are that the petitioner is a duly registered co-operative society engaged in procurement of paddy from farmers under the procurement policy and guidelines issued by the respondent authorities. The petitioners are entitled to the protection of their constitutional and legal rights under the Constitution of India. Pursuant to the procurement policy and the agreement executed with the respondent authorities, the petitioner society procured paddy from farmers, stored the same at the designated procurement centre, and awaited its lifting by Respondent Nos. 4 and 5 for onward distribution to rice millers. Although the

petitioner duly discharged its obligations, the respondents failed to lift the entire stock within the prescribed period. The State Government's procurement policy mandates timely lifting of paddy by the concerned authorities. Recognizing delays in lifting and the consequential loss in weight due to natural moisture evaporation (driage), Respondent No. 2 issued Memo dated 08.01.2026 directing that paddy be lifted within one month, failing which the concerned societies would be entitled to exemption from loss in weight and the Food Department at the Collectorate would prepare proposals for such exemption (Annexure P/1). Further, by Memo dated 09.01.2026, directions were issued to ensure timely lifting of paddy so as to preserve its quality (Annexure P/2). Despite the aforesaid directions, Respondent Nos. 4 and 5 failed to lift the petitioner's paddy within the stipulated period and also ignored subsequent communications, including the letter dated 06.03.2026 issued by Respondent No. 7 directing issuance of T.O./D.O. for lifting of paddy before 31.03.2026 (Annexure P/4). The petitioner also submitted representations requesting timely lifting of the stock (Annexure P/5), but no effective action was taken. Owing to the respondents' inordinate delay, the paddy remained stored for an extended period, resulting in a natural reduction in weight due to loss of moisture. The procurement policy contains no provision authorizing recovery from the procurement society on account of such natural driage where the delay is attributable to the

respondents themselves. Instead, the policy contemplates preparation of proposals for condonation or exemption of such loss. Contrary to the Government policy and without issuing any show cause notice or affording an opportunity of hearing, the respondents initiated recovery proceedings against the petitioner for the alleged shortage in weight caused solely due to natural moisture loss. Hence these petitions.

4. Learned counsel for the petitioner submits that the impugned action of the respondents in seeking recovery of the alleged shortage in weight of paddy is wholly illegal, arbitrary, unreasonable, and unsustainable in law, being contrary to the procurement policy and the facts and circumstances of the present case. She further submits that the shortage in weight is solely attributable to natural loss of moisture (driage) caused by the inordinate delay of Respondent Nos. 4 and 5 in lifting the paddy from the procurement centre, despite repeated Government directions and representations made by the petitioner. The petitioner cannot be penalized for a loss occasioned by the respondents' own default. The State Government itself, by issuing circulars and instructions, acknowledged that delayed lifting of paddy results in natural loss of weight and specifically provided that, in such cases, proposals for condonation/exemption of the loss should be forwarded by the competent authorities. Instead of following the prescribed procedure, the respondents have illegally resorted to coercive

recovery proceedings against the petitioner. It is further submitted that the procurement policy contains no provision authorizing recovery from procurement societies for natural loss in weight due to evaporation of moisture where the delay in lifting is attributable to the respondent authorities. Consequently, the impugned recovery is without authority of law. Paddy procured during the months of November to January naturally contains higher moisture content. When such stock is not lifted within the stipulated period and is kept in storage, the moisture inevitably evaporates, resulting in a reduction in weight. Such natural driage cannot be treated as a shortage or misappropriation attributable to the petitioner. The respondents themselves directed procurement of paddy beyond the available storage capacity, resulting in the stock being stored in open premises and exposed to natural elements such as sunlight, rain, rodents, and other unavoidable causes, thereby increasing the possibility of deterioration and weight loss. The petitioner cannot be held liable for consequences arising from the respondents' own administrative lapses. The respondents cannot be permitted to recover from the petitioner losses which have occurred solely due to their own negligence and failure to lift the stock within the prescribed time. Such action amounts to arbitrary exercise of power and is liable to be quashed. She next submits that the impugned action has been taken without following the principles of natural justice, including issuance of any show-cause notice or

affording the petitioner an opportunity of hearing, rendering the recovery proceedings illegal and unsustainable. The impugned action is arbitrary, discriminatory, and violative of the petitioners' fundamental and constitutional rights guaranteed under Articles 14, 19(1)(g), 21 and 300A of the Constitution of India. Further this Court, in WPC No. 2324 of 2026, *Bhagwan Singh Rathore v. State of Chhattisgarh*, by order dated 08.05.2026 (Annexure P/6), has already considered similar facts and issues and granted appropriate relief. The present case is squarely covered by the said decision and deserves to be decided on the same principles. Hence, learned counsel for the petitioner pray to allow the petitions.

5. On the other hand, learned counsel for the Respondent-State as well as Respondent-MARKFED submit that the reliefs sought by the petitioner cannot be granted because it is against the Paddy Procurement Policy for the Session 2025-2026. Under the said Policy, there is no provision for dryage benefit. Furthermore, as far as the transportation part is concerned, the Policy itself provides for a mechanism to remove any hindrance as MARKED states that if transportation facilities cannot be provided by MARKFED, the petitioner-Society is permitted to transport the paddy from the concerned Societies to the Center, as directed by MARKFED. They submit that the expenses incurred by Society would then be adjusted by MARKFED. As such, timely transportation would be the responsibility of the Society itself.

Therefore, the concerned Society cannot hold the State or MARKFED liable for any delayed transportation of paddy. They lastly submit that since no benefit in respect of dryage of paddy can be granted to the Society under the Policy, the petitions as framed and filed by the petitioners are without merit and liable to be dismissed.

6. Heard learned counsel for the parties and also perused the documents annexed with the petitions.
7. Admittedly, the reliefs sought by the petitioner stem from the natural dryage of paddy, which led to reduction in its total weight due to moisture evaporation. This shortage occurred due to non-lifting and omission to transport the paddy from the Center within the stipulated time. Though the petitioner made several efforts and repeatedly made communications with the respondents to expedite the lifting of the paddy but the concerned authorities chose not to take any steps. Under the Paddy Procurement Policy of the State Government for the Kharif Marketing Session 2025-2026, there are specific provisions i.e. clause 15.9 and clause 16.3, which address the subject issue and are reproduced below :

15.9 धान उपार्जन केन्द्रों में संग्रहित धान के लिए कोई सूखत मात्रा मान्य नहीं होगी।

16.3 धान के परिवहन हेतु निर्धारित परिवहनकर्ता द्वारा परिवहन न किये जाने पर आवश्यकतानुसार स्वीकृत परिवहन दर पर किसी भी परिवहनकर्ता से परिवहन का कार्य कराया जा सकता है। मार्कफेड

द्वारा परिवहन नहीं कराये जाने की स्थिति में स्वीकृत परिवहन दर पर समितियों द्वारा धान का परिवहन कराया जावे। इस हेतु समिति उसे धान भण्डारण व सुरक्षा मद अथवा प्रासंगिक व्यय के मद में प्रदत्त अग्रिम राशि का उपयोग परिवहन देयकों के भुगतान हेतु कर सकेगी तथा ऐसे व्यय की प्रतिपूर्ति विपणन संघ द्वारा समिति को की जाएगी। समितियों द्वारा धान परिवहन कराये जाने पर संग्रहण केन्द्रों में धान भण्डारण करने हेतु उचित व्यवस्था मार्कफेड द्वारा की जावे।

8. A perusal of the aforesaid clauses would show that the State Government has framed a Policy, according to which, no dryage is generally permitted. Clause 16.3 provides that in the event MARKFED fails to transport the paddy from the concerned Societies, the Societies themselves are directed to arrange transportation at the applicable rates with the expenses incurred to be subsequently adjusted by MARKFED. Thus, the main ground raised by the petitioner regarding natural dryage caused by delayed transportation cannot be adjudicated by this Court, as doing so would ignore the terms of the subject Policy, which allows no permissible dryage . The petitioner has entered into an Agreement with the respondents, wherein clause 5.6 of the said Agreement stipulates as under :

5.6- विपणन संघ द्वारा प्रदाय की गई राशि से उपार्जन केन्द्र (समिति) द्वारा धान विपणन संघ को कम प्राप्त होने पर शेष राशि की वसूली समिति को प्रदाय कमीशन एवं अन्य अनुसांगिक मदों से राशि की कटौती की जावेगी । इसके उपरांत भी वसूली योग्य राशि शेष रहने पर जिला विपणन अधिकारी द्वारा छ.ग. राज्य सहकारी सोसायटी अधिनियम 1960 के अंतर्गत वसूली कार्यवाही हेतु सक्षम न्यायालय में प्रकरण दर्ज किया जावेगा ।”

9. Likewise, Clause 13 of the Agreement provides the resolution of the disputes between the parties through arbitration, which reads as under:

13- आर्बिट्रेशन :-

इस अनुबंध की किसी भी कण्डिका से संबंधित विवाद उत्पन्न होने की स्थिति में विवाद के निर्णय हेतु जिले में जिला कलेक्टर का निर्णय अन्तिम होगा जो उभयपक्षों को मान्य होगा । कलेक्टर द्वारा दिये गये निर्णय की अपील उभयपक्षों द्वारा जिले के संभागीय आयुक्त को की जा सकेगी ।९

10. Considering the facts and circumstances of the case as also considering the State Government's Paddy Procurement Policy for the year 2025-2026, this Court is of the view that an alternative and efficacious remedy exists by invoking arbitration Clause 13 of the Agreement. Since the Agreement itself contains a dispute resolution mechanism for resolving conflicts between the parties, the petitioners ought to have invoked arbitration clause in respect of shortage of paddy. Accordingly, this Court is not inclined to entertain the present writ petitions for the reliefs sought by all the petitioners herein.
11. In view of the above, the petitioners are relegated to raise their disputes before the appropriate authority under the arbitration clause of the Agreement in accordance with law. In the event the petitioners approach the concerned authorities for arbitration concerning any dispute covered under the said clause, the

concerned authorities are directed to consider and decide the same in accordance with law.

12. It is made clear that this Court has not expressed any opinion on the merits of the case. The concerned authorities vested with the jurisdiction to adjudicate the dispute under the arbitration clause are at liberty to initiate and conduct appropriate arbitration proceedings and pass a reasoned order after affording due opportunity of hearing to the petitioners in accordance with law.
13. With these observations/directions, all the Petitions stand **disposed of**.

Sd/-
(Amitendra Kishore Prasad)
Judge