

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1308 of 2015

Sitaram Patel S/o Basant Kumar Patel, Aged About 44 years Vice President, Sewa Sahkari Samiti Maryadit, Lendhra, Police Station- Lendhra, Civil & Revenue District Raigarh (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Collector, Raigarh, District Raigarh (Chhattisgarh)
2. Chhattisgarh State Co-Operative, Marketing Federation, Through District Marketing Officer, Raigarh, District Raigarh (Chhattisgarh)
3. District Co-Operative Central Bank, Through Executive Officer, Lendhra, District Raigarh (Chhattisgarh)
4. Chief Executive Officer, District Co-Operative Central Bank Limited, District Raigarh (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Awadh Tripathi, Advocate
For Respondent/State	:	Shri Satish Gupta, Govt. Advocate

Order On Board

30/07/2015

Heard.

Grievance of the petitioner is that the amount which is payable to the petitioner under the agreement of purchase of paddy is not being paid without there being any reason, which is arbitrary. It is submitted that respondents, being the State under Article 14 of the Constitution of India, cannot act arbitrarily and withhold payment without any valid reason. Representation has been made but no decision has been taken nor any order passed.

On the other hand, learned counsel for the State submits that there is an arbitration clause in the agreement and if the petitioner has not been paid, as claimed by him, his remedy lies in invoking arbitration clause.

True it is that there exists arbitration clause, at the same time, it is prima facie found that the petitioner has made representation for making payment, to which no reply in writing has been given to the petitioner as to why payments cannot be made. In that view of

the matter, it would be appropriate to direct respondent No.2 to decide petitioner's representation by a speaking order in writing within a period of 30 days from the date of receipt of copy of this order. If for any reason, stated in the order, the amount claimed by the petitioner is denied, it will be open for the petitioner to invoke arbitration clause under the agreement to seek adjudication. The petitioner may file fresh representation along with copy of this order.

With the aforesaid observation/direction, the petition is finally disposed off.

Sd/-

(Manindra Mohan Shrivastava)

Judge