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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2038 of 2015**

- Baldev Batra S/o Shri Vasudev Batra, Aged About 37 Years Proprietor Shri Sai Industries, Vidhan Sabha Road, P.S. Pandri, Naya Raipur, District Raipur, (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Addl. Chief Secretary, Department Of Food, Civil Supplies & Consumer Protection, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur, (Chhattisgarh)
2. Tahsildar, Raipur, (Chhattisgarh)
3. Chhattisgarh State Cooperative Marketing Federation, Through The Director, Near Agrasen Chowk, Samta Colony, Raipur, (Chhattisgarh)
4. The District Marketing Officer, Chhattisgarh State Cooperative Marketing Federation, Ramsagar Para, Raipur, (Chhattisgarh)

---- Respondent

For Petitioner : Shri Rajeev Shrivastava with Shri Vivek Shrivastava, Adv.
 For Respondent/State : Shri Arun Sao, Deputy Advocate General.
 For Respondents 3 & 4 : Shri Mayank Chandrakar, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****11/12/2015**

1. The petitioner is a miller who was supplied paddy for custom milling in the procurement season 2013-14 in accordance with the Central Government Policy. For the petitioner's failure to deposit the milled

rice, RRC has been issued for recovery of the amount equal to the value of the milled rice.

2. Shri Rajeev Shrivastava and Shri Vivek Shrivastava, learned counsel for the petitioner would refer to the order passed by the Division Bench of this Court in WPC No.958/2015 on 15.6.2015 and in the Review Petition No.59/2015 & other connected matters on 27.10.2015 to argue that similarly placed millers have been allowed extension of time by 4 months for supply of custom milled rice. They would submit that the petitioner is also willing to supply custom milled rice within a period of 4 months from today.
3. Shri Sao, learned Deputy Advocate General would submit, on instructions, that the petitioner being a defaulter, such extension cannot be allowed in his favour. He would submit that the case of the present petitioner is distinguishable than the case of the petitioners before the Division Bench inasmuch as the rice mill was obtained by the petitioner on lease from someone else and the lease period has already expired, therefore, he has no capacity to mill rice and he would lift the rice from the market to deposit the same with the FCI or State Civil Supplies Corporation. He would submit that earlier also sufficient time was allowed to the petitioner to deposit milled rice but he failed to adhere to the extended period. He further submits that in the Writ Petition before the Division Bench consent was accorded by the counsel appearing for the CG State Cooperative Marketing Federation, who has no authority

under the Scheme to receive the supply of custom milled rice and that in the said case, neither CG State Civil Supplies Corporation nor the Food Corporation of India was made party.

4. Having considered the rival submissions and in view of the order passed by the Division Bench in WPC No.958/2015, it appears to this Court that two sets of persons who were supplied paddy for custom milling cannot be treated differently. When the Division Bench has extended time for depositing the milled rice in favour of another person or firm, the petitioner is also entitled for the similar relief.
5. Therefore, the writ petition is disposed of with a direction that the petitioner may supply milled rice to the FCI or CG State Civil Supplies Corporation within 4 months from today.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve