

HON'BLE SRI JUSTICE R.KANTHA RAO

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Writ Petition No.1968 of 2015

ORDER:

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Heard the learned counsel appearing for the petitioner and the learned Government Pleader for Civil Supplies.

2. It is submitted by the petitioner that procurement of rice by the State Government is governed by the Andhra Pradesh Rice Procurement (Levy) Order, 1984. The State Government is issuing orders of its procurement policy of paddy and rice every year. The procurement policy of paddy and rice for Khariff Marketing Season, 2013-14 was issued under G.O.Ms.No.31, Consumer Affairs, Food and Civil Supplies (CS.I) Department, dated 21.10.2013 by the 1st respondent.

3. Nextly, it is submitted that the 2nd respondent is the competent authority to fix the targets for all the rice mills in the Districts and basing on the said target fixed by the 2nd respondent, the respective millers will start purchasing the paddy and after obtaining permission from the 2nd respondent for milling, 75% of the resultant rice will be supplied to the 3rd respondent at its go downs as per the instructions of the Area Manager/District Manager. After delivery of the levy rice, the miller will be entitled to make an application to the 2nd respondent for issuance of release certificate for disposal of levy free rice in proportion to the quantity of levy rice supplied. It is further submitted that the petitioner has purchased a quantity of 865.000 metric tonnes of paddy for the purpose of supplying levy rice for KMS 2013-14 and for enabling the petitioner to mill the paddy and to supply the levy rice, the 2nd respondent issued MSP certificate to the petitioner on 05.06.2014 for milling 865 metric tonnes of paddy for

KMS 2013-14 and accordingly, the petitioner milled the paddy and supplied the same to the 3rd respondent.

4. It is further submitted that during the supply of the said paddy, the 3rd respondent, initially, refused to accept the paddy stating the reason that the petitioner did not supply the total quantity of levy rice for KMS 2012-13. In spite of several representations, the 3rd respondent did not receive the paddy and this Court directed the 3rd respondent to receive the milled heavy rice from the petitioner in terms of the MSP certificate issued to the petitioner. According to the petitioner, as per the MSP certificate, he has to deliver 407.025 metric tonnes of Grade 'A' rice and 27.637 metric tonnes of common rice and out of the said stock, the petitioner delivered 27.637 metric tonnes of Grade 'A' rice by 21.07.2014 and out of the remaining rice of 83 metric tonnes, the petitioner sent 27 metric tonnes to the go down of the 3rd respondent on 31.07.2014 in 540 bags and the 3rd respondent refused to take delivery of the said rice as there were variations between the bags and hence the petitioner was asked to improve the quality of the paddy. Stating the said reasons, the 3rd respondent returned 540 bags of rice to the petitioner on 01.08.2014. The petitioner took the paddy to his mill for its improvement and thereafter, from 02.08.2014, the mill workers went on strike and hence, the paddy could not be supplied to the 3rd respondent. On 10.10.2014, the Managing Partner of the petitioner approached the 3rd respondent and explained the reasons for non-delivery of paddy within time and requested to take delivery of the remaining 83 metric tonnes of paddy.

5. The version of the petitioner is that the 3rd respondent refused to accept delivery of rice from the petitioner on the ground that paddy for KMS 2013-14 was accepted only till 30.09.2014 and no orders were received by him from the 2nd respondent extending the time. In

this context, it is brought to the notice of this Court by the learned counsel for the petitioner that this Court in various cases i.e., WP No.14563 of 2014 etc., directed the 3rd respondent in the interest of justice, to accept the paddy even after the date stated in the MSP certificates and thereafter, paddy delivered even on subsequent dates were accepted by the 3rd respondent.

6. Learned Government Pleader for Civil Supplies obtained instructions from the Department, which show that 540 bags were not received earlier as there was variation from bag to bag. So far as receiving the stocks subsequently by the 3rd respondent, it is submitted that there are no instructions from the 2nd respondent to their office to receive the levy stocks beyond KMS 2013-14 cut-off date i.e., 30.09.2014.

7. Having regard to the aforesaid facts, this Court is of the view that if the paddy is not received by the 3rd respondent, it will be damaged, which would result huge loss to the petitioner. Therefore, the petitioner is directed to make an application to the 2nd respondent to issue necessary instructions to the 3rd respondent to receive the levy stocks beyond 30.09.2014 and on such application is being made, the 2nd respondent is directed to pass necessary orders directing the 3rd respondent to receive the levy stock of the petitioner, within a period of two weeks and in such an event, the 3rd respondent is directed to receive the levy stock of the petitioner.

8. The writ petition is accordingly disposed of. No order as to costs. The miscellaneous petitions pending, if any, shall stand closed in consequence.

R.KANTHA RAO, J

Date: 11.02.2015

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