

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Appeal No. 83 of 2016

1. State of Chhattisgarh, Through the Addl. Chief Secretary, Department of Food, Civil Supplies and Consumer Protection Mahanadi Bhawan, Mantralaya, Naya Raipur, Post Office and Police Station Naya Raipur, District Raipur, (Chhattisgarh)
2. The Tahsildar, Raipur, Chhattisgarh.

---- Appellants

versus

1. 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.
2. The Chhattisgarh State Cooperative Marketing Federation, Through the Director, Near Agrasen Chowk, Samta Colony, Raipur, Chhattisgarh.
3. The District Marketing Officer, Chhattisgarh State Cooperative Marketing Federation, Ramsagar Para, Raipur, Chhattisgarh.

---- Respondents

For Appellants/State	:	Shri Prafull N. Bharat, Additional Advocate General
For Respondent No. 1	:	Shri Vivek Shrivastava, Advocate
For Respondents No. 2 & 3	:	Shri Akash Pandey, Advocate

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Judgment on Board

Per Navin Sinha, Chief Justice

23/2/2016

1. The present appeal arises from order dated 11.12.2015 in Writ Petition (C) No.2038 of 2015. The Learned Single Judge following an earlier order of a Division Bench in Writ Petition (C) No.958 of 2015 granted extension of time by four months for submitting the custom milled rice from the paddy lifted by the Appellants under agreement with the authorities.

2. Learned Additional Advocate General submits that the attention of the Learned Single Judge was not invited to an order dated 8.7.2015 in Writ Petition (C) No.945 of 2015 and analogous petitions. This Court has considered in detail the availability of remedy under Clause 15.2 of the agreement. Respondent No.1 was also relegated to the remedy under Clause 15.2 in Writ Petition (C) No.1300 of 2015 disposed on 5.8.2015. Fresh orders have been passed on 30.9.2015 by the Additional Chief Secretary, Food and Civil Supplies Department after grant of due opportunity and considering the Respondents' explanation. There being no procedural infirmity in the decision making process, the Court in exercise of judicial review may not examine the order in the form of an appellate authority.

3. It was next submitted that the case of Respondent No.1 is completely distinguishable from those with reference to whom discrimination is alleged. The Petitioner had supplied less than 50% of the milled rice compared to the amount of paddy lifted by him. Those with regard to whom discrimination is alleged had deposited 75% of the milled rice compared to the amount of paddy lifted and therefore a short extension of two weeks was granted to them.

4. We have considered the submissions on behalf of the parties.

5. No case for discriminatory treatment by refusal to grant extension of time for deposit of rice milled from paddy has been made out calling for interference.

6. The jurisdiction in judicial review is confined to any error in decision making process with regard to the order of Additional Chief Secretary dated 30.9.2015 under Clause 15.2. The order is well reasoned and discussed and has been passed after due opportunity of hearing and also notices the extensions of time already granted to Respondent No.1 for compliance with

the agreement including site visits by the authorities, notwithstanding which he failed to abide by his obligations for supply of rice in accordance with the agreement or extended time granted for the same.

7. The Court finds no reason to interfere with the order dated 30.9.2015 in exercise of judicial review.

8. The order under appeal is set aside. The writ appeal is allowed.

Sd/-

(Navin Sinha)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE