

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1283 of 2016

Laxmi Swa Sahayata Samooch Village Semipali, Block Dharamjaigarh, Raigarh (Chhattisgarh), Through: Its President, Sumitra Bai, W/o Balkumar Rathiya, Aged About 45 Years, R/o Village Semipali, Tahsil Dharamjaigarh, District Raigarh, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Women & Child Development, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, (Chhattisgarh)
2. Collector, Raigarh, District Raigarh, (Chhattisgarh)
3. District Program Officer, Department Of Women & Child Development, District Raigarh, (Chhattisgarh)
4. Project Officer, Ekikrit Bal Vikas Pariyojana, Dharamjaigarh, District Raigarh, (Chhattisgarh)

---- Respondents

Shri Chandresh Shrivastava, counsel for the petitioner/s.
Shri Satish Gupta, Govt. Advocate for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

12/05/2016

Challenge is to the impugned order dated 06/02/2016 (Annexure P/1) by which, the contract for supply of ready to eat meal with the petitioner has been cancelled.

2. The petitioner has assailed legality and validity of the order firstly on the ground that rightly or wrongly, respondents entered into contract for supply of ready to eat meal. It is submitted that the petitioner did not suppress any fact. It was fully within the notice and knowledge of the respondent authorities that the head quarter of petitioner's group is outside the village of supply. Now at this stage, supply contract cannot be cancelled on the ground that the award is

contrary to the policy.

3. The ground which has been raised is essentially on equitable consideration by application of equitable estoppel. The policy of supply ready to eat meal for needy women and children require that the head quarter of the center should be in the village itself. The object is to ensure speedy and effective supply. Therefore, the petitioner cannot be benefited on the ground of equitable estoppel. The other allegation is that under the policy, the matter was required to be taken before Committee and only on recommendation of the Committee, Collector could have passed the order. Even if such violation is assumed to have taken place, no benefit can be given because the petitioner has admitted that the head quarter is outside the village of supply.

4. Grant of relief under Article 226 of the Constitution of India is discretionary in nature. Once the petitioner admits that the head quarter is outside the village of supply, which is against the policy of supply to the needy women and children, I am not inclined to invoke discretionary power in favour of the petitioner. The petition is accordingly dismissed.

5. Lastly, learned counsel for the petitioner stated that the petitioner is desirous of offering services in accordance with the policy, therefore, the cancellation order may not come in the way of the petitioner.

Cancellation of contract is not on the ground of any allegation of supply of substandard ready to eat meal, therefore, the cancellation should not come in the way of the petitioner for any other supply order in accordance with the policy.

Sd/-

(Manindra Mohan Shrivastava)
Judge