

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 2243 of 2016**

M/s. Hanumant Paddy Processor, a proprietorship concern, through its Proprietor Shri Akhilesh Kumar Gupta, S/o Late Badri Prasad Gupta, aged about 47 years, having industry at Sirsa Khurd, Jeora Sirsa Durg, District Durg, Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh, Through Principal Secretary, Department of Food Civil Supplies and Consumer Affairs, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.
2. Food Corporation of India, through its General Manager, 16-20, Barakhamba Lane, New Delhi.
3. Chhattisgarh State Cooperative Marketing Federation Limited, through its Managing Director, 880, Civil Lines, Headquarters, Raipur, District Raipur, Chhattisgarh.
4. Managing Director, Chhattisgarh State Cooperative Marketing Federation Limited, 880 Civil Lines, Headquarters, Raipur, District Raipur, Chhattisgarh.

---- Respondents

For Petitioner	: Shri Manish Upadhyay, Advocate.
For Respondent/State	: Shri Prafull N. Bharat, Additional Advocate General.
For Respondents No.3 and 4	: Shri Ashish Surana, Advocate.

Hon'ble Shri Deepak Gupta, Chief Justice
Hon'ble Shri Sanjay K. Agrawal, J.

Order on Board**Per Deepak Gupta, Chief Justice****06/09/2016**

1. We have already disposed of Writ Petition (C) No. 1811 of 2016 and 1772 of 2016 on 30.08.2016. Both the parties agree that this case is squarely covered by the same judgment and may be disposed of in accordance with the judgment passed therein. In that case, we have passed a detailed judgment and have issued the following directions:

- (i) That where the Petitioners are the highest bidders for Feed category i.e. in Pendra-I and Pendra-II as far as the Petitioner-Agrawal and sons is concerned and in Thelkadih and Nagar Kohra as far as the Petitioner-Mahila Audyogik Utpadak Sahakari Sanstha Maryadit is concerned, they may within one week make fresh offers and if their offers are comparable to others in the State, then the Federation is free to sell the same to the Petitioners. In case, however, the offer of the Petitioners is not comparable to the offer of other bidders in the State, then the Federation shall be free to float fresh tender for these four centers only.
- (ii) As far as industrial use and manure category of the paddy is concerned, we direct the Federation to issue letters to all the bidder including the highest bidders asking them to submit all the requisite permission and licenses showing that the bidders are licensed to use the paddy for the purpose for which it is sold as on 05.04.2016. In case, the highest bidder submits such certificate, the paddy can be sold to the highest bidder. If the highest bidder cannot submit such certificate then the paddy can be sold to the next higher bidder having such license.
- (iii) Needless to say that the Respondent-Federation may enter into negotiations, but negotiations will be entered into only with those persons who had a manufacturing license as on 05.04.2016 i.e. the date of opening of the technical bid. In case, there are no eligible bidders, negotiations can be held with the Petitioners but if the price of the Petitioners is not satisfactory, then the Federation can float fresh tender.
- (iv) We make it clear that this process as per the old tender should be completed latest by 30.9.2016 and if fresh tender has to be floated, then it should be floated latest by 15.10.2016.

2. The present writ petition is also disposed of in terms of the aforesaid directions.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE

Sd/-
(Sanjay K. Agrawal)
JUDGE