

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2560 of 2017**

- M/s Shri Maruti Rice Mill Through Its Proprietor Smt. Poonam Agrawal, W/o Gopal Agrawal, Aged About 36 Years, R/o Village & Post Dhurkot, Police Station & Tahsil Dabhra, District Janjgir Champa Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Cooperatives, Ministry, Mahanadi Bhawan, Police Station Rakhi, Naya Raipur, District Raipur Chhattisgarh.
2. Chhattisgarh Rajya Sahakari Vipnan Sangh Maryadit, Janjgir, Through Its District Marketing Officer, Janjgir, District Janjgir Champa Chhattisgarh.

---- Respondents

For Petitioner	:	Shri B. Roy, Advocate
For Respondent-State	:	Shri Arun Sao, Dy. AG for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****15/09/2017**

1. By way of instant petition it is contended that respondent No.2 has recovered an excess amount of Rs.13 Lakhs though the paddy which was lifted as a custom milling of worth Rs.32 Lakhs, therefore, encashment of bank guarantee to the extent of Rs.45 Lakhs should not have been made.
2. Perusal of the document annexed herewith would show that the recovery of Rs.45 Lakhs was in pursuance to the terms of the Bank guarantee, which was submitted by the petitioner. If this is the case of the petitioner that the goods/paddy of worth Rs.45 Lakhs was not lifted and only of Rs.32 Lakhs was lifted, it's a pure question of civil dispute, which cannot be adjudicated

in this writ petition as necessarily it will require the evidence of the parties.

3. Consequently, considering the same, I am not inclined to entertain this writ petition. It is accordingly, dismissed.

Sd/-

Goutam Bhaduri

Judge

Ashu