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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) 3016 of 2017**

- Chhattisgarh Pradesh Rice Millers Association (A registered Society) 2nd Floor Adeshwar Complex, Punjab oil Mill Gally, Ramsagar Para, Raipur, Tahsil & District: Raipur, Chhattisgarh, Through its Secretary, Mr. Vijay Tayal @ Vijay Kumar Agrawal S/o Shri Mohan Lal Agrawal, aged about 43 years, R/o: (Shri Hanuman Rice Mills) Ward No. 4, Ganjpara, Belha, P.S. Belha, Tahsil: Belha, District Bilaspur, Chhattisgarh. PIN – 495 224

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Versus

- Union of India through the Secretary, Food & Public Distribution, Ministry of Consumer Affairs, Food & Public Distribution, Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi, PIN – 110 001
- State of Chhattisgarh through the Secretary, Food, Civil Supplies & Consumer Protection Department, Mantralaya, Mahanadi Bhawan, Sector – 19, Rakhi-1, Naya Raipur, Raipur, Chhattisgarh. PIN – 492 101

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For Petitioner	:	Shri Rajkamal Singh, Advocate
For Union of India	:	Shri B. Gopa Kumar, Assistant Solicitor General
For State	:	Shri J.K. Gilda, Advocate General

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Sharad Kumar Gupta, Judge

Order on Board**Per, Thottathil B. Radhakrishnan, Chief Justice****28/11/2017**

- This writ petition is filed by the Chhattisgarh Pradesh Rice Millers Association which is a registered society.

2. We have heard the learned counsel for the Petitioner, the learned Advocate General and the learned Assistant Solicitor General.
3. The writ petition raises issues which are essentially those which fell for consideration before this Court in Writ Petition (C) No. 3246 of 2016 during the previous year, except for the fact that under challenge in this writ petition are terms of the Paddy Custom Milling Policy for the relevant Kharif season of 2017-18. Many of the issues sought to be raised by the Petitioner stand specifically covered by the judgment delivered by this Court on 04.05.2017 in Writ Petition (C) No. 3246 of 2016. The fundamental dispute is as to the correctness or otherwise of the Out Turn Ratio (OTR) which is fixed by 67% for raw rice and 68% for parboiled rice. The same rate continues for the current year as well.
4. During the previous year, this Court had directed that if the Petitioner makes a representation to the competent authority in the Central Government, duly authorised to consider such issue, the same would be adverted to and decided upon. It is shown that through decision rendered on 28.06.2017, the competent authority in the Central Government, namely the Joint Secretary to the Government of India Department of Food & Public Distribution, Ministry of Consumer Affairs, Food & Public Distribution, decided on the representation of the Petitioner affirming the stand that the OTR would be at the prevailing rate as noted above. However, having regard to the question raised by the Rice Millers, through their Association, the Central Government has proceeded to seek the report of IICPT (IIFPT) and has also offered that the OTR will be reviewed on receipt and acceptance of the final report of that authority.
5. In the aforesaid view of the matter, all that is possible for the Petitioner to wait for the determination of the appropriate OTR for the current year, if it

requires modification, on the basis of the report and other inputs that may available to the Central Government following the final report of IIFPT. Obviously, therefore, in terms of the directions issued for the previous year, the steps for prosecution of any of the member of the Petitioner ought to stand deferred and other directions issued for the previous year as against the State Government will continue to operate for the current year as well. It is so directed.

6. The writ petition is ordered accordingly.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(Sharad Kumar Gupta)
Judge