

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition No.403 of 2006

M/s Sitaco Pharma (P) Limited, HO Behind Court Millpara, Durg,
Through its Director, Radheshyam Agrawal, S/o Late Shri Madan Lal
Agrawal, Aged about 55 years, R/o Gayatri Mandir Ward, Durg,
District Durg (C.G.)

---- Petitioner

Versus

1. Chhattisgarh State Industrial Development Corporation Ltd., (An Undertaking of State of Chhattisgarh), having its Office Near Bhartiya Jivan Beema Nigam Commercial Complex, Pandri, Raipur, Through its Managing Director, Chhattisgarh State Industrial Development Corporation Ltd., Raipur, District Raipur (C.G.)
2. The Chairman, Chhattisgarh State Industrial Development Corporation Ltd., Raipur, District Raipur (C.G.)
2. The Executive Director, Chhattisgarh State Industrial Development Corporation Ltd., B-4, MR Colony, Shailendra Nagar, Raipur, District Raipur (C.G.)

---- Respondents

For Petitioner:	Mr. Anand Dadariya, Advocate.
For Respondents:	Mr. Ayaz Naved, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

16/08/2017

1. The petitioner was allotted land by the Chhattisgarh State Industrial Development Corporation Limited (CSIDC) and by order dated 13-4-2005, the land allotted to him on 12-3-1993 and lease deed dated 26-3-1993 were cancelled against which he preferred first appeal before the Managing Director of the CSIDC and the Managing Director of the CSIDC by its order dated 30-9-2005 dismissed the appeal against which the petitioner preferred second appeal before the Chairman of the CSIDC. The Managing Director by its order dated 6-1-2006, intimated the petitioner that the Chairman has decided to maintain the

order of the Managing Director against which this writ petition has been filed.

2. Learned counsel for the petitioner would submit that no reasoned and speaking order passed by the Chairman of the CSIDC has been communicated to the petitioner till this date and even in the return filed by the respondents, no such order has been filed and only the Managing Director has communicated the order that the Chairman has maintained the order passed by the Managing Director. He would further submit that the Managing Director of the CSIDC cannot be the first appellate authority as well as the second appellate authority. Even otherwise, no order of the Chairman maintaining the order of the Managing Director has been communicated to the petitioner till this date, therefore, the order impugned is unsustainable and bad in law.
3. On the other hand, learned counsel for the respondents would support the impugned order and would oppose the submissions.
4. I have heard learned counsel for the parties.
5. It is correct to say that first appeal filed by the petitioner has been rejected by the Managing Director, CSIDC, against which the petitioner preferred second appeal before the Chairman, but surprisingly, the Managing Director again has communicated to the petitioner by order dated 6-1-2006 that the Chairman has maintained the order. When second appeal against the order of the Managing Director was maintainable before the Chairman of CSIDC, the Chairman himself ought to have passed reasoned and speaking order deciding the second appeal and copy of the same ought to have been supplied to the petitioner in order to assail the same before the higher

forum if is not favourable to him. No such course has been adopted. Even otherwise, the Managing Director being the first appellate authority could not have communicated the order of the Chairman i.e. the second appellate authority since the order of the Chairman dismissing or allowing the appeal is not on record and the Managing Director is the first appellate authority.

6. In view of the foregoing reasons, the order impugned dated 6-1-2006 is set aside. The Chairman, CSIDC is directed to hear the petitioner on the second appeal preferred by him and pass speaking and reasoned order in accordance with law, within a period of three months from the date of receipt of a copy of this order.
7. With this observation, the petition stands finally disposed of. No order as to costs.

Sd/-
(Sanjay K. Agrawal)
Judge