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HIGH COURT OF CHHATTISGARH, BILASPUR**REVP No. 8 of 2018**

- State of Chhattisgarh Through The Secretary, Food, Civil Supplies & Consumer Protection Department, Mantralaya, Mahanadi Bhawan, Sector-19, Rakhi-1, Naya Raipur, Raipur, Chhattisgarh (Respondent No.2)

---- Petitioner**Versus**

1. C.G. Pradesh Rice Millers Association, 2nd Floor, Adeshwar Complex, Punjab Oil Mill Gally, Ramsagar Para, Raipur, Tahsil And 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 (Petitioner)
2. Union of India Through The Secretary, Food & Public Distribution, Ministry of Consumer Affairs, Food & Public Distribution, Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi 110001 (Respondent No.1)

---- Respondents**With****REVP No. 13 of 2018**

- Union of India Through The Secretary, Food & Public Distribution, Ministry of Consumer Affairs, Food & Public Distribution, Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi 110001

---- Petitioner**Versus**

1. Chhattisgarh Pradesh Rice Millers Association (A Registered Society), Second Floor, Adeshwar Complex, Punjab Oil Mill Gally, Ramsagar Para, Raipur, Tahsil And 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, Behla, P.S. Belha, Tahsil Behla, District Bilaspur (C.G.) 495224
2. State of Chhattisgarh Through Secretary, Food, Civil Supplies And Consumer Protection Department, Mantralaya, Mahanadi Bhawan, Sector-19, Rakhi 1, Naya Raipur, Raipur (C.G.) 492101

---- Respondents

For Petitioner (in REVP 8 of 2018) : Shri Prafull N. Bharat, Additional Advocate General.

For Petitioner (in REVP 13 of 2018) : Shri B. Gopa Kumar, Assistant Solicitor General.
For Respondent/Association : Shri Raj Kamal Singh, Advocate.

Hon'ble Thottathil B. Radhakrishnan, Chief Justice

Hon'ble Shri Justice Sharad Kumar Gupta

Order on Board

Per Thottathil B. Radhakrishnan, Chief Justice

01.05.2018

1. These two review applications are filed in relation to order issued on 28.11.2017 in WPC No.3016 of 2017.
2. We have heard the learned Additional Advocate General for the State of Chhattisgarh in Review Petition No.8 of 2018 and the learned Assistant Solicitor General appearing for the Union of India in Review Petition No.13 of 2018. We have also heard the counsel appearing on behalf of the Chhattisgarh Pradesh Rice Millers Association; for short 'Association', which was the writ petitioner in WPC No.3016 of 2017 from which these review applications are arise.
3. In 2016, WPC No.3246 of 2016 was instituted by the aforesaid Association. That resulted in an order on 04.05.2017; which among other things, required deferring of prosecution proceedings as regards the members of that Association. However, the following direction was also issued "Whatever rice, not lesser than the quantity determinable at the ratio based on the test result already conducted by the State Government authorities, is to be made available by the members of the Petitioner on account of milling of rice under OTR, shall be deposited in terms of the policy and such deposited rice shall be accounted for provisionally and subject to the final decision that may be taken by the State Government following the decision that would be rendered on the afore-permitted representation."
4. The afore-quoted direction in WPC No.3426 of 2016 is one that find all the

members of the Association which was the Petitioner in that writ petition and the other directions in that order were conditional and dependent on the performance of afore-quoted condition by the members of the Association.

5. When the similar arose in the succeeding year; order dated 28.11.2017 was issued in WPC No.3016 of 2017, essentially incorporating the terms and contents of the previous order in WPC No.3426 of 2016. This is the net effect of the contents of the order dated 28.11.2017 in WPC No.3016 of 2017. This means that the Association which was the Petitioner in WPC No.3016 of 2017 and its members would enjoy the benefit of the order dated 28.11.2017 in WPC No.3016 of 2017 only on the firm condition that they obey the command which was issued through the order dated 04.05.2017 in WPC No.3246 of 2017; and, which we have quoted in paragraph No.3 hereinabove.
6. In the result these review petitions are ordered clarifying the order sought to be remained to the aforesaid effect. We also record the submissions of the learned counsel for the Association that its members have duly complied with the requirements as to deposit of rice in terms of this Court's directions referred is hereinabove and any deficit in that regard will replenished by them. This they may do; except at their peril and action in accordance with law; by or on behalf of the State of Chhattisgarh.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge