

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 158 of 2019

Jay Maa Khudiya Rani Swa Sahayata Samuh Village - Mahnai Ward No. 15, Block - Bagicha, District Jashpur Chhattisgarh.

---- Appellant

Versus

1. Jai Bhawani Swa Sahayata Samoocha (A Self Help Group) Through Its President Smt. Sangeeta Rajwade, Aged About 42 Years, R/o Village Sulesa, Block And Tahsil Bageecha, District Jashpur Chhattisgarh.
2. State Of Chhattisgarh Through The Secretary, Women And Child Development Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh.
3. The Director Women And Child Development Department, Indrawati Bhawan, Naya Raipur, District Raipur Chhattisgarh.
4. The Collector Jashpur, District Jashpur Chhattisgarh.
5. District Programme Officer Women And Child Development Department, Jashpur, District Jashpur Chhattisgarh.
6. Project Officer Integrated Child Development Project, Sanna, Block Bageecha, District Jashpur Chhattisgarh.
7. Purnima Swa Sahayata Samooch Ghordega, Block Bageecha, District Jashpur Chhattisgarh.

---- Respondents

For Appellant	:	Ms. Shivali Dubey, Advocate
For Respondent No.1	:	Shri K.N. Nande, Advocate
For State	:	Shri S.C. Verma, Additional Advocate General

**D.B. : Hon'ble The Chief Justice &
Hon'ble Mr. Justice Manindra Mohan Shrivastava**

Judgment On Board

17/05/2019

Per P.R. Ramachandra Menon, C. J.

1. Heard on IA No.1, application for permission to file the instant appeal challenging the impugned order passed by the learned Single Judge.
2. Upon due consideration, the application is allowed. Leave is granted.
3. The grievance projected by the appellant who was not a party to the proceedings before the learned Single Judge, is with regard to the cancellation of contract given to the appellant. The appellant was supplying the food materials to the Project Officer based on agreement executed between them, but cancellation came as a bolt from blue, without any notice or opportunity of hearing. The appellant was informed that the same was pursuant to the verdict passed by a learned Single Judge of this Court in the writ petition filed by 1st respondent. In fact, the appellant was never a party to the said proceedings and hence the matter is sought to be interfered by this Court.
4. Heard Ms. Shivali Dubey, learned counsel for the appellant, Shri S.C. Verma, learned Additional Advocate General for the State and Shri K.N. Nande, learned counsel appearing for respondent No.1.
5. In view of the submission of the learned Additional Advocate General that the tenure of the supply order given to the 7th respondent as a stop gap arrangement is already over, we do not find necessary to issue notice to the 7th respondent.
6. The crux of the factual position is that the 1st respondent herein was given a contract for supply of food materials by the authority concerned under 'ready to eat programme' and the 1st respondent was effecting supply accordingly. In the course of further proceedings, it was found that the food materials supplied by the 1st respondent was not of good quality and hence the contract came to be cancelled by order dated 24/08/2016 issued by the Project Officer. The matter was taken up before this Court by filing writ petition numbered as WP(C) No.2433/2016. Learned Single Judge set aside the proceedings and

directed the Collector to reconsider the matter as per the verdict dated 03/10/2016. Pursuant to the said verdict, the matter was considered by the committee constituted in this regard, who found that the food materials were not of the requisite quality and hence that the supply had to be stopped. This order dated 07/12/2016 was sought to be challenged by the writ petitioner (respondent No.1 herein) by filing WPC No.376/2017. In the meanwhile, the authorities had invited further offers, pursuant to which, the appellant participated in the proceedings. The appellant's offer was accepted, based on which, agreement dated 18.9.2017 (Annexure A/3) was executed between the parties, followed by agreement dated 09.11.2017 (Annexure A/4) and since then, the appellant has been supplying the food materials throughout. It was all of a sudden, that the appellant was given to understand that the appellant's supply order had been cancelled, stating that it was with reference to the verdict passed by learned Single Judge in WPC No.376/2017; whereby the authorities concerned had to procure supply from the respondent No.1. This made the appellant to feel aggrieved, who is before this Court by filing the present appeal, after getting leave.

7. During the course of submissions, learned Additional Advocate General conceded that, on the date of passing the final verdict by the learned Single Judge i.e. on 27/11/2018, the appellant was supplying the food items, which unfortunately could not be brought to the notice of the learned Single Judge. The factual position in this regard is conceded by the learned counsel appearing for 1st respondent as well, who, however, adds that pursuant to the verdict passed by the learned Single Judge, the 1st respondent is supplying the food materials as on date.
8. In view of the fact that prejudice is stated caused to the appellant for not bringing the factual position as on the relevant date before the learned Single Judge, we find it to be appropriate to cause the matter to be reconsidered by the learned Single Judge, after affording an opportunity of hearing to the appellant herein as well. To facilitate such exercise, we set aside the verdict of the learned Single Judge in WPC No. 376 of 2017 and direct the Registry to cause the writ petition to be listed for reconsideration before the learned Single Judge, with liberty to the appellant to get impleaded in the writ proceedings as

an additional respondent. The appeal stands allowed to the said extent.

9. In view of the submission made by learned counsel for 1st respondent as to the supply being effected by the said respondent, we make it clear that the 'status quo' as on date will continue, till the same is considered and dealt with by the learned Single Judge.

Sd/-
(P.R. Ramachandra Menon)
Chief Justice

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen