

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4370 of 2019

1. Tejprakash Chandrakar, S/o Shri Bhushanlal Chandrakar, Aged About 42 Years, R/o Ganj Para, Mahasamund, Pin Code 493445 Partner Of Mahamaya Agrotech, Village-Sayadhih, District Mahasamund, And Proprietor Of Sai Kripa Rice Mill, Village Sayadhih District : Mahasamund, Chhattisgarh

---- Petitioner

Versus

1. C.G. State Krishi Vipanana (Mandi) Board, Beej Bhawan, G.E. Road, Telibandha, Raipur, Pin Code 492006 Through Its Managing Director
2. Krishi Upaj Mandi Samiti-Mahasamund, Through Its Secretary
3. The Collector-Mahasamund, District : Mahasamund, Chhattisgarh
4. Tahsildar-Mahasamund, District : Mahasamund, Chhattisgarh
5. Tata Capital Financial Services Limited, 2nd Floor, Plot No. 3 To 6, Auto Plaza, Road No. 3, Opposite Times Of India, Banjara Hills, Hyderabad, Telangana. Pin 500034
6. Bank of India, Zonal Office 1st Floor, Gd Sheth Nilayam, Tatyapara, G.E. Road, Raipur, Pin 492001, Chhattisgarh
7. Axis Bank Through Branch Manager, Branch Mahasamund, Raipur Road, Mahasamund, Pin Code 493445., District : Mahasamund, Chhattisgarh
8. Hdfc Bank Ltd Branch Mahasamund, Main Rd, Tumgaon, Bhoring, Mahasamund, Pin Code 493445, District : Mahasamund, Chhattisgarh

-----Respondents

For Petitioner	:	Mr. Sachin S. Rajput, Advocate
For State/Resp. 3 & 4	:	Mr. Anshuman Shrivastava, P.L.
For Resp. No. 1 & 2	:	Mr. Yogendra Pandey with Mr. Animesh Tiwari, Advocate
For Resp. No. 6	:	Mr. Aditya Tiwari, Advocate

Hon'ble Shri Justice P. Sam Koshy
Order on Board

03.12.2019

1. The challenge in the present Writ Petition is to the impugned orders dated 13.09.2019 and 27.09.2019 passed by the Respondent No. 2.
2. Vide the two orders, the respondents have held the petitioner to be liable for payment of Rs. 2.5 crore payable to the farmers from whom the petitioner is allegedly said to have purchased paddy. Thereafter, the respondents have issued letters to the Collector and the Collector in turn has written/made correspondence to the concerned tahsildar for initiating RRC against the petitioner to the tune of Rs. 1,61,75,282/-.
3. The counsel for the petitioner submits that he is only aggrieved by the manner in which the Respondent No. 2 has reached to the said conclusion while passing Annexure P-2 and P-3. According to the counsel for the petitioner, the petitioner was initially issued with a show cause notice on 05.09.2019 and was directed to appear on 13.09.2019. On the said date, the petitioner appeared and filed his reply, denying the claim put-forth by the complainants. However, thereafter there was another meeting said to have been held on 27.09.2019 whose notice has not been given to the petitioner and behind his back, the respondents have passed the impugned orders dated Annexure P-2 and P-3 respectively.
4. At this juncture, the counsel for the petitioner makes a limited prayer that Respondent No. 2 may conduct an enquiry in the presence of petitioner wherein the petitioner would be able to show all

documents in support of his contention and thereafter let the Respondent No. 2 reach to a specific finding determining the liability of the petitioner.

5. The counsel for the petitioner further submits that the petitioner has not been given a fair and reasonable opportunity of defense against the said allegations made and complaints lodged. Moreover, the Respondent No. 2 has not relied-upon cogent material while determining the liability of the petitioner.
6. The State Counsel submits that it is upon the Respondent No. 1 & 2 to justify the contentions raised by the petitioner. The counsel for the Respondent No. 6 submits that since he has appeared on advance notice. He has no proper instruction.
7. That, on a proposal put-forth by the Court to the Respondent No. 1 and 2 for holding an enquiry on a given date in the presence of the petitioner as well as the complainant/farmers and thereafter decide the liability afresh. The counsel for the Respondent No. 1 and 2 expressed his willing on the said proposal.
8. Given the said facts and circumstances of the case, it is directed that let the petitioner appear before the Respondent No.2 on the 17.12.2019 in response to the show cause notice dated 05.09.2019 and let the petitioner submit before the Respondent No. 2 all the relevant cogent materials that he has in support of his defense and contentions. The Respondent No. 2 in turn shall also ensure that on 17.12.2019 on which date the petitioner shall appear before the Respondent No. 2 the complainants are also asked or called upon to

remain present before the Respondent No. 2 for joint enquiry in the presence of both the parties and thereafter reach to a specific final conclusion on the basis of material produced before the Respondent No. 2 i.e, society.

9. It is expected that the Respondent No. 2 shall thereafter pass an appropriate order at the earliest. Till the Respondent No. 2 passes an order, there shall be a stay of the effect and operation of the impugned orders, which includes initiation of the RRC proceedings by the State authorities as a consequence of Annexure P-2 and P-3.
10. The present Writ Petition accordingly stands allowed and disposed off.

**Sd/-
(P. Sam Koshy)
Judge**