

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**REVP No. 44 of 2020**

C.G. State Marketing Federation Through- District Marketing Officer
Bilaspur.

---- Petitioner**Versus**

1. Ashok Goyal S/o Late Shri Shankarlal Goyal Aged About 55 Years R/o Village Pendra, Police Station And Tahsil- Pendra, District Bilaspur
2. State Of Chhattisgarh Through- The Principle Secretary, Food And Civil Supply Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, District Raipur, Chhattisgarh
3. The Collector Bilaspur District- Bilaspur, Chhattisgarh.
4. The Tahsildar Pendra District- Bilaspur, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Prafull N. Bharat along with Mr. Mayank Chandrakar, Advocates
For State	:	Mr. Ayaz Naved, G.A.
For Respondent No.1	:	Mr. Anand Shukla along with Mr. Aditya Tiwari, Advocates

Hon'ble Shri Justice P. Sam Koshy**Order on Board****13/02/2020**

1. The review petition has been filed seeking review of the order dated 18.11.2019 passed in WPC No. 4076/2019. Vide the impugned order, this Court had stayed the execution of the notices Annexure P/1, P/2 & P/3 dated 21.08.2019, 04.12.2018 & 16.09.2016.
2. The application for review has been filed on the ground that the petitioner has suppressed material facts before this Court while getting the writ petition disposed of. The contention of the review applicant is that the petitioner made a false contention before this Court that no inquiry whatsoever was conducted by the respondents before initiating the RRC proceedings.

3. The counsel for the applicant refers to Annexure A/2 dated 27.05.2015, which is a notice issued to the petitioner and other similarly placed persons in respect of illegally lifting of paddy from the godown of the applicant. The applicant further refers to an undertaking given by the present applicant as early as on 07.10.2015, whereby the petitioner has accepted of lifting of 4495.49 quintals of paddy and he has also given an undertaking of depositing of milled rice at the Civil Supplies Corporation after obtaining the relevant DO from the District Office, Bilaspur.
4. The further contention of the review applicant is that these two documents and its contents have been totally suppressed by the petitioner from the writ petition, therefore the order deserves to be recalled and the applicant be permitted to file a detailed reply to the writ petition.
5. The counsel appearing for the original petitioner submits that the petitioner does not dispute the issuance of Annexure A/3 dated 07.10.2015 and at the same time he submits that he has never received Annexure A/2 dated 27.05.2015. So far as the contents of Annexure A/3 is concerned, there is no denial on the part of the original petitioner of not having issued by him.
6. Given the aforesaid facts and circumstances of the case, taking into consideration the notice Annexure A/2 dated 27.05.2015 and the undertaking given by the petitioner Annexure A/3 dated 07.10.2015, this Court is of the opinion that a strong case for review of the order as such has been made out. Accordingly, the order dated 18.11.2019 passed in WPC No. 4076/2019 stands recalled and the said writ

petition is ordered to be listed for hearing before this Bench on the 20th of February, 2020.

7. With the aforesaid observations, the present review petition stands allowed and disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved