

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 497 of 2020

1. M/s Sanskar Rice Industries, Chittaud, Tehsil Gurur, District Balod Chhattisgarh Through Proprietor Pintu Daga, S/o Shri Dharam Chand Daga, Aged About 41 Years, R/o Baniyapara- Sadar Bazar, Police Station City Kotwali, Dhamtari, District Dhamtari Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Principal Secretary, Department Of Food, Civil Supplies And Consumer Protection, Mahanadi Bhawan, Nava Raipur, District : Raipur, Chhattisgarh
2. Director, Department Of Food, Civil Supplies And Consumer Protection, Indrawati Bhawan, Nava Raipur, District : Raipur, Chhattisgarh
3. Managing Director, Chhattisgarh State Civil Supplies Corporation Ltd, Hitvaad Parisar, Avanti Vihar, Telibandha, Raipur, District : Raipur, Chhattisgarh
4. Managing Director, Chhattisgarh State Cooperative Marketing Federation Ltd, CBD Building, Nava Raipur, Atal Nagar, Raipur, District : Raipur, Chhattisgarh
5. District Marketing Officer, Chhattisgarh Cooperative Marketing Federation Ltd, Balod, Ganga Maiya Mandir, Jhalmala, Balod, District : Balod, Chhattisgarh
6. Collector, Balod, District : Balod, Chhattisgarh
7. Tehsildar, Balod, District : Balod, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Sachin Tamrakar, Advocate
For Resp. 1, 2, 6 & 7	:	Mr. Jitendra Pali, Dy. Advocate Gen.
For Resp. 3	:	Mr. V.R. Tiwari, Addl. Adv. General
For Resp. 4 & 5	:	Mr. Prafull Bharat, Advocate

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

10.02.2020

1. The challenge in the present writ petition is to the order Annexure P-1 dated 14.01.2020 passed by the Commercial Court (District Level)-Raipur in Execution Case No. 04 of 2018.
2. Perusal of the record would show that the commercial court has only issued notice to the petitioner, who is the judgment-debtor and has been asked to appear before the court below on 14.02.2020 seeking his explanation as to why he should not be sent to civil prison for non-compliance of the order dated 20.09.2017 (Annexure P-8) passed in M.J.C. No. 10 of 2017 by the Commercial Court (District Level)-Raipur.
3. Given the fact that the court below has only issued notice vide the impugned order Annexure P-1 dated 14.01.2020. Whatever submissions and contentions that the petitioner has to make can be placed before the concerned court on the date fixed by the court below and it shall be for the court below to proceed further. The impugned order as such has not been passed adverse to the interest of the petitioner.
4. From a plain reading of the record, it is reflected that no order as such has not been passed by the court below. All that the court below has done is nothing but only issued notice on the execution proceedings initiated by the respondents. They have issued notice to the petitioner, which is well within the powers conferred upon the executing court under Order 21 Rule 37 of the C.P.C.

5. Given the said facts, this Court is not inclined to interfere with the impugned order at this juncture.
6. Reserving the right of the petitioner to approach the concerned court for further course of action. The present writ petition, accordingly stands disposed off.

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