

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 2421 of 2020**

M/s Shri Narayan Parvati Rice Industries A Proprietorship Firm Through Its Sole Proprietor Gopal Modi, S/o Late Narayan Prasad Modi, Aged About 48 Years, R/o Near Bajrang Talkies, Main Road Korba District Korba Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Food Civil Supplies And Consumer Protection Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh.
2. Collector (Food Branch) Korba, District Korba Chhattisgarh.
3. Director Food Civil Supplies And Consumer Protection Department, Directorate Atal Nagar, Raipur, District Raipur Chhattisgarh.
4. Chhattisgarh State Civil Supplies Corporation Limited Korba, Through Its District Manager. Civil Supplies Corporation Limited, Collectorate, Korba, District Korba Chhattisgarh.
5. Chhattisgarh State Cooperative Marketing Federation Through Its Managing Director, Chhattisgarh State Cooperative Marketing Federation, 6th Floor, Tower C, Commercial Complex CBD, Sector 21, New Raipur Atal Nagar, District Raipur Chhattisgarh.
6. Managing Director Chhattisgarh State Cooperative Marketing Federation, 6th Floor, Tower C, Commercial Complex, CBD, Sector 21, New Raipur, Atal Nagar, District Raipur Chhattisgarh.
7. District Marketing Officer Chhattisgarh State Cooperative Marketing Federation, Korba, District Korba Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Manoj Paranjpe, Advocate
For State	:	Mr. Mateen Siddiqui, Deputy A.G.
For Respondents No.6 & 7	:	Mr. Ashish Surana, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****27/10/2020**

1. Mr. Ashish Surana, Advocate present during the course of proceedings is directed to enter appearance on behalf of the respondents No. 6 & 7.

2. The limited grievance that the petitioner has is the inaction on the part of the respondents No.6 & 7 in not considering the claim of the petitioner for grant of incentive amount (प्रोत्साहन राशि) payable to the petitioner in terms of the agreement entered into between the parties vide Annexure P/1 dated 23.11.2018.
3. According to the petitioner, clause 9.1 of the said agreement clearly stipulates granting of incentive under certain circumstances in terms of the policy of the State Government in this regard, wherein clause 5.1 also provides for grant of incentive amount. According to the counsel for the petitioner under the dispute resolution provision in the said agreement, the matter was travelled before the Collector under clause 15.1 and the Collector has already recommended in favour of the petitioner and other similarly placed 78 other rice millers for grant of incentive. However, no further action has been taken on the part of the respondents No.6 & 7 in this regard. Recently, the State Government also vide Annexure P/8 dated 26.09.2019 recommended for consideration of the case of the petitioner for grant of the incentive. Yet there is no further development on the part of the respondents No. 6 & 7 for grant of incentive.
4. Given the fact that the District Collector, as also the State Government have already recommended for grant of the same, it appears that a decision now has to be taken only at the level of respondents No.6 & 7. Another fact, which needs consideration is that both the order of the Collector as also by the State Government have not been questioned by the respondents No.6 & 7 before any

other authority or forum.

5. Given the said factual matrix of the case, the writ petition at this juncture stands disposed of directing the respondents No.6 to take a decision so far as the claim of the petitioner for grant of incentive particularly keeping in view the recommendation made by the Collector invoking clause 15.1 of the agreement and also the order passed by the State Government dated 26.09.2019 in this regard.
6. Let a decision be taken at the earliest preferably within a period of 60 days by the respondent No.6 from the date of receipt of the copy of this order.
7. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved