

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPPIL No. 1 of 2020**

- Jaijai Verma S/o Shri Bisru Ram Vemra Aged About 24 Years R/o - Mariyatola, Post - Pondi, Tahsil - Bodla, District - Kabirdham Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Co - Operative Societies, Mantralaya, Mahanadi Bhawan, Naya Raipur, District - Raipur Chhattisgarh
2. Registrar, Co - Operative Societies, Block - 3, Second And Third Floor, Indrawati Bhawan, Naya Raipur, District - Raipur Chhattisgarh
3. Collector - Cum - Chairman, Lauh Purush Sardar Vallabh Bhai Patel Shakkar Karkhana Maryadit Sugar Factory, Pandariya Kawardha, District - Kabirdham Chhattisgarh.
4. Managing Director, Lauh Purush Sardar Vallabh Bhai Patel Shakkar Karkhana Maryadit, Pandariya, District - Kabirdham Chhattisgarh
5. Central Vigilance Commission, Satarkata Bhawan, A - Block, G. P. O. Complex, I. N. A. New Delhi, 110023
6. Superintendent Of Police, Bureau Of Economic Officers, District - Raipur Chhattisgarh
7. M/s Shri Jagannath Supply Company, Orissa, C/o Managing Director, Lauh Purush Sardar Vallabh Bhai Patel Shakkar Karkhana Maryadit, Pandariya, District - Kabirdham Chhattisgarh.

---- Respondent

For Petitioner	Mr. Sangharsh Pandey, Advocate
For Respondent /State	Mr. Vikram Sharma, Dy. GA
For Respondents 3 & 4	Mr. Jitendra Pali, Advocate

Proceedings through Video Conferencing

DB.: Hon'ble Mr. Prashant Kumar Mishra, Ag. C.J &
Hon'ble Mrs. Rajani Dubey, J.

Order on Board by Prashant Kumar Mishra, Ag. C.J.

20/7/2021

1. Heard.
2. This WP(PIL) is preferred seeking a direction to the respondent authorities to conduct enquiry into the irregularities committed by respondents 3 & 4 in selling 'Molasses' at a very low rate in the year 2019 and thus, causing loss of revenue to the Cooperative Society.
3. According to the petitioner, Molasses has been sold at Rs.6610/- per Metric Ton in Kabirdham and at Rs.6500/- per Metric Ton in Sarguja in 2019, whereas, in the sale order dated 1.11.2019, Molasses has been sold at Rs.4045/- per Metric Ton.
4. In the return filed by the State, it is averred that the tender for sale of Molasses issued in the year 2019 was cancelled on 12.2.2020 and in the re-tender, it has fetched price of Rs.10,200/- per Metric Ton. Thus, it appears, the public cause espoused by the petitioner has served its purpose and it is because of the petitioner, the Cooperative Society has been able to fetch a higher price of Molasses.
5. It is a matter of common knowledge that market price of a commodity like Molasses, which is a by-product of sugar

cane/sugar industry, varies from time to time as the prices of the commodities are governed by the market conditions. Price Fixation is an intricate and complex mechanism, which depends on host of factors, therefore, the Court cannot enter into the area of verification or scrutiny of price fixation of a commodity, unless it appears palpably arbitrary to a prudent person.

6. It is the settled proposition of law that price fixation is neither the function nor the forte of the Court. The assembling of the data and the mechanics of price fixation are the concern of the executive. The Court is neither concerned with the policy nor with the rates {See **Union of India and another vs. Cynamide India Ltd. And another**, (1987) 2 SCC 720}.
7. It is for this reason, it is difficult for the writ Court to assess as to what price a particular commodity, more so, a commodity like 'Molasses', would fetch at a particular point of time.
8. In any case, the subject commodity having fetched higher price as mentioned in para 10 of the return filed by the State, the writ petition has served its purpose.
9. The WP(PIL) is accordingly disposed of.

Sd/-

(Prashant Kumar Mishra)
Acting Chief Justice

Sd/-

(Rajani Dubey)
Judge