

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1214 of 2021

- Sewa Sahakari Samiti Maryadit Bonda Registered Society Under Cooperative Societies Act, Registration No. 830, Through Its President Kamlesh Patel, S/o Shri Kshitibhushan Patel, Aged About 50 Years, R/o Village Bhikhampura, Block And Tahsil Baramkela, District Raigarh Chhattisgarh.

---- Petitioner

Versus

1. The State Of Chhattisgarh Through The Secretary, Department Of Food Civil Supplies And Consumer Protection, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
2. The Managing Director, Chhattisgarh State Cooperative Marketing Federation Limited, Sector-21, C.B.D. Complex, 6th Floor, Atal Nagar, Nawa Raipur (Chhattisgarh)
3. The Registrar, Chhattisgarh Cooperative Society, Indrawati Bhavan, Atal Nagar, Nawa Raipur (Chhattisgarh)
4. The Managing Director, Chhattisgarh State Cooperative Bank Limited Raipur, Padri, Indira Gandhi Parisar, District Raipur (Chhattisgarh)
5. The Collector, District Raigarh (Chhattisgarh)
6. The Deputy Registrar Cooperative Society, Raigarh, District Raigarh Chhattisgarh
7. The Officer On Special Duty, Apex Bank, Gandhi Chowk- Raigarh, District Raigarh (Chhattisgarh)

---- Respondents

For Petitioner : Shri Roop Naik, Advocate

For Respondent/ State : Ms. Sunita Jain, G.A.

For Respondent No. 2 : Shri Harshal Chouhan on behalf of Shri Prafull N. Bharat, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.03.2021

Heard

1. Learned counsel for the petitioner submit that the petitioner is a agent who

procures the paddy at Bonda wherein the buffer limit was 9500 quintal which in turn is handed over to the respondent No. 2 i.e. Managing Director C.G. State Marketing Federation and agreement was executed. According to Clause 2.7 of the agreement which is filed as Annexure P/2, if the paddy stock exceeds the buffer limit then it is the duty of the State Marketing Federation to lift the same within 72 hours. He further submits that therefore Respondent No. 2 may be directed to lift the paddy as per the agreement otherwise the loss would be on the head of the society for no fault of them. Under these circumstances, the petitioner has made a representation vide Annexure P/3 to the respondent No. 2 which may be directed to be decided.

2. Considering the fact that the agreement exists between the parties, the petitioner is given the liberty to file a fresh representation to Respondent No. 2 within a period of 3 weeks from today and if such representation is filed, Respondent No. 2 is directed to decide the said application according to the terms of agreement within a period of 30 days from the date of receipt of copy of this order.
3. With the aforesaid observation/ direction, the writ petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge

Jyoti