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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3049 of 2021**

- Bhagirathi Chandrakar S/o - Shri Janak Ram Chandrakar Aged About 42 Years Occupation - Incharge Paddy Procurement Center Damapur (Reg. No. 215), R/o - Village, Nawagaon - Musau, Police Station - Kunda, Tahsil - Pandariya, District Kabirdham (Chhattisgarh).

---- Petitioner**Versus**

1. State of Chhattisgarh Through Secretary Department of Food, Civil Supplies And Consumer Protection Department, Mahanadi Bhawan, New Mantralaya Raipur, Police Station - Rakhi, District Raipur (Chhattisgarh).
2. Collector Kabirdham, District Kabirdham (Chhattisgarh).
3. Managing Director Chhattisgarh State Co-Operative Marketing Federation Limited, 6th Floor, Tower-C, Commercial Complex CBD, Sector 21, Atal Nagar Nawa Raipur, District Raipur (Chhattisgarh)
4. Assistant Registrar, Co-Operative Societies Kabirdham, Tahsil And District Kabirdham (Chhattisgarh)
5. District Marketing Officer, Chhattisgarh Rajya Sahkari Vipadan Sangh Maryadit Kabirdham, Tahsil And District Kabirdham (Chhattisgarh)
6. Chief Executive Officer Zila Sahkari Kedriya Bank Maryadit Nehru Chowk Rajnandgaon, Tahsil And District Rajnandgaon (Chhattisgarh)
7. Nodal Officer, Zila Sahkari Kendriya Bank Maryadit Kunda, District Kabirdham (Chhattisgarh)

---- Respondents**WPC No. 3056 of 2021**

- Rupesh Jaiswal S/o Shri Motilal Jaiswal Aged About 25 Years Occupation Incharge Paddy Procurement Center Dongariya (Reg. No. 1333), R/o Village Kodwa Mahant, Post Dongariya, Police Station And Tahsil Lormi, District Mungeli Chhattisgarh Mobile No. 7354253161.

---- Petitioner**Versus**

1. State of Chhattisgarh Through Secretary Department of Food, Civil Supplies And Consumer Protection Department, Mahanadi Bhawan, New Mantralaya Raipur, Police Station Rakhi, District Raipur Chhattisgarh.
2. Collector Mungeli, District Mungeli Chhattisgarh.

3. Managing Director Chhattisgarh State Co Operative Marketing Federation Limited, 6th Floor, Tower C, Commercial Complex CBD, Sector 21, Atal Nagar Nawa Raipur, District Raipur Chhattisgarh.
4. Assistant Registrar Co Operative Societies Mungeli, Police Station Tahsil And District Mungeli Chhattisgarh.
5. District Marketing Officer Chhattisgarh Rajya Sahkari Vipadan Sangh Maryadit Mungeli, Police Station, Tahsil And District Mungeli Chhattisgarh.
6. Chief Executive Officer Zila Sahkari Kendriya Bank Maryadit Nehru Chowk Bilaspur, Police Station Civil Line, Tahsil And District Bilaspur Chhattisgarh.
7. Nodal Officer Zila Sahkari, Kendriya Bank Maryadit Mungeli, District Mungeli Chhattisgarh.

---- Respondents

WPC No. 3057 of 2021

- Virendra Kashyap, S/o Shri Babulal Kashyap, Aged About 27 Years
Occupation - Incharge - Paddy Procurement Center Paijaniya (Reg. No. 841), R/o - Village Boirpara, Post - Devrahat, Police Station - Lalpur, Tahsil - Lormi, District - Mungeli Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh, Through Secretary Department of Food, Civil Supplies And Consumer Protection Department, Mahanadi Bhawan, New Mantralaya Raipur, Police Station - Rakhi, District Raipur Chhattisgarh.
2. Collector, Mungeli, District Mungeli Chhattisgarh.
3. Managing Director, Chhattisgarh State Co-Operative Marketing Federation Limited, 6th Floor, Tower - C, Commercial Complex CBD, Sector 21, Atal Nagar Nawa Raipur, District Raipur Chhattisgarh.
4. Assistant Registrar, Co-Operative Societies Mungeli, Police Station, Tahsil And District Mungeli Chhattisgarh.
5. District Marketing Officer Chhattisgarh Rajya Sahkari Vipadan Sangh Maryadit Mungeli, Police Station, Tahsil And District Mungeli Chhattisgarh.
6. Chief Executive Officer Zila Sahkari Kendriya Bank Maryadit Nehru Chowk Bilaspur, Police Station - Civil Line, Tahsil And District - Bilaspur Chhattisgarh.
7. Nodal Officer, Zila Sahkari Kendriya Bank Maryadit Mungeli, District Mungeli Chhattisgarh.

---- Respondents

WPC No. 3060 of 2021

- Lovlesh Chandrakar S/o Shri Umendram Chandrakar Aged About 45 Years Occupation Incharge Paddy Procurement Center Kunda (Reg. No. 3093), R/o Village Kunda, Police Station Kunda, Tahsil Pandariya, District Kabirdham Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh Through Secretary Department of Food, Civil Supplies And Consumer Protection Department, Mahanadi Bhawan, New Mantralaya Raipur, Police Station Rakhi, District Raipur Chhattisgarh.
2. Collector Kabirdham District Kabirdham Chhattisgarh.
3. Managing Director Chhattisgarh State Co Operative Marketing Federation Limited, 6th Floor, Tower C, Commercial Complex CBD, Sector 21, Atal Nagar Nawa Raipur, District Raipur Chhattisgarh.
4. Assistant Registrar Co Operative Societies Kabirdham, Tahsil And District Kabirdham Chhattisgarh.
5. District Marketing Officer Chhattisgarh Rajya Sahkari Vipadan Sangh Maryadit Kabirdham, Tahsil And District Mungeli Chhattisgarh.
6. Chief Executive Officer Zila Sahkari Kendriya Bank Maryadit Nehru Chowk Rajnandgaon, Tahsil And District Rajnandgaon Chhattisgarh.
7. Nodal Officer Zila Sahkari, Kendriya Bank Maryadit Kunda District Kabirdham Chhattisgarh.

---- Respondents

WPC No. 3065 of 2021

- Ravindra Yadav, S/o Shri Pawan Yadav, Aged About 25 Years Occupation-Incharge, Paddy Procurement Center Chhatan (Reg. No. 1231), R/o-Village-Chhatan, Police Station - Fasterpur, Tahsil And District Mungeli Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh, Through Secretary Department of Food, Civil Supplies And Consumer Protection Department, Mahanadi Bhawan, New Mantralaya Raipur, Police Station - Rakhi, District Raipur Chhattisgarh.
2. Collector, Mungeli, District Mungeli Chhattisgarh.
3. Managing Director, Chhattisgarh State Co-Operative Marketing Federation Limited, 6th Floor, Tower -C, Commercial Complex CBD, Sector 21, Atal Nagar Nawa Raipur, District Raipur Chhattisgarh.
4. Assistant Registrar, Co-Operative Societies Mungeli, Police Station, Tahsil And District Mungeli Chhattisgarh.

5. District Marketing Officer Chhattisgarh Rajya Sahkari Vipadan Sangh Maryadit Mungeli, Police Station, Tahsil And District Mungeli Chhattisgarh.
6. Chief Executive Officer Zila Sahkari Kendriya Bank Maryadit Nehru Chowk Bilaspur, Police Station - Civil Line, Tahsil And District - Bilaspur Chhattisgarh.
7. Nodal Officer, Zila Sahkari Kendriya Bank Maryadit Mungeli, District Mungeli Chhattisgarh.

---- Respondents

For Petitioners	:	Shri Ratnesh Kumar Agrawal, Advocate.
For Respondents No. 1 & 2	:	Shri Rahul Jha, Government Advocate.
For Respondents No. 3 to 5	:	Shri Ashish Surana, Advocate.
For Respondents No. 6 & 7	:	Shri Jitendra Shrivastava, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal, Judge

Order on Board

29.07.2021

1. Proceedings of these matters have been taken up through video conferencing.
2. The learned counsel for the parties jointly submit that this batch of writ petitions is covered by the decision rendered by this Court in WPC No. 2805 of 2021 in case of ***Gyanendra Pratap Singh v. State of Chhattisgarh and Others.*** Therefore, these writ petitions may also be disposed off in terms of paragraphs 11 and 12 of ***Gyanendra Pratap Singh*** (supra).
3. This Court, while disposing off ***Gyanendra Pratap Singh*** (supra), vide paragraphs 11 and 12 held as under:

“11.The submissions of the petitioners and the respondents would show as on date that the dispute arisen about the performance of the agreement is quite logical that if the paddy was not transferred because of the fault of Marketing Federation and caused loss and further loss by rain it cannot be pass on to head of the petitioners. The submission of the petitioners that in absence of the DO/TO the paddy could not be transferred is also required to be examined to finalize the liability. All these issue are required to be adjudicated at the same time the petitioners cannot be driven to a corner by arm twisting method to lodge FIR

for any loss which might have been caused. Therefore, under the facts of this case, to arrive at the finding of fact about failure of performance of agreement on either part of the party i.e. procurement centre or State Marketing Federation as per Clause 14 the issue is referred to the Collector of the particular district. The Collector shall adjudicate the issue after the evidence is adduced about the non performance of part of the contract by either of the parties and shall thereafter decide it accordingly. The petitioners shall be at liberty to invoke clause 14 i.e. Arbitration Clause along with the memo of their claim for 2020-21 within a period of 2 weeks and the same shall be concluded with a reasonable time. The petitioners shall also be entitled to file any interim prayer in the circumstances of this case to claim interim due or any other relief to arrest further loss of paddy.

12. With the aforesaid observation, the petitions stand disposed of”

4. Accepting the submission of the learned counsel for the parties, these writ petitions are also disposed off in terms of paragraphs 11 and 12 of **Gyanendra Pratap Singh** (supra) and the Collector shall adjudicate the issue after evidence is adduced about non performance of the part of the contract by either of the parties itself, thereafter decide it accordingly.
5. The Petitioners shall be at liberty to invoke clause 14 i.e. Arbitration Clause along with the memo of their claim for the year 2020-21 within a period of two weeks and the same shall be concluded within a reasonable time. The Petitioners shall also be entitled to file an application for interim relief in the circumstances of this case to claim interest due or any other relief to arrest further loss of paddy.
6. The writ petitions are accordingly disposed off.

Sd/-
(Sanjay K. Agrawal)
Judge