

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 3347 of 2021

Vrihattakar Sewa Sahkari Samiti Maryadit Vicharpur District Rajnandgaon, Through Manager, Namely Ganga Prasad Sahu S/o Udharu Ram Sahu, Aged About 52 Years, R/o Charbhatha, Singarpur, District Rajnandgaon Chhattisgarh.,

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Co - Operative Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh.,
2. The Secretary Food, Civil Supply And Consumer Protection Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh.,
3. Chhattisgarh State Cooperative Marketing Federation Limited Through Its Managing Director, Chhattisgarh State Cooperative Marketing Federation Limited, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh.,
4. The Registrar Cooperative Societies, Indrawati Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh.,
5. The Collector Rajnandgaon, District Rajnandgaon Chhattisgarh.,
6. District Marketing Officer Rajnandgaon District Rajnandgaon Chhattisgarh.,
7. Chhattisgarh Rajya Sahkari Bank (Apex Bank) Through The Managing Director Chhattisgarh Rajya Sahkari Bank, Maryadit, Head Office Sahkar Bhawan, Plot No. 74, Sector 24, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
8. District Cooperative Central Bank Limited Through Its Chief Executive Officer, District Cooperative Central Bank Limited, Rajnandgaon District Rajnandgaon Chhattisgarh.,
9. District Food Officer Rajnandgaon District Rajnandgaon Chhattisgarh.,
10. The Deputy Registrar Cooperative Societies, Rajnandgaon District Rajnandgaon Chhattisgarh.

---- Respondents

WPC No. 3356 of 2021

Sewa Sahkari Samiti Maryadit, Musrakala District Rajnandgaon, Through Manger Namely Ganesh Verma S/o Dakwar Das Verma , Aged About 47 Years , R/o Village Katalwahi, Block Dongargarh, District Rajnandgaon Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary , Co Operative Department Mahanadi Bhawan Mantralaya , Atal Nagar, Nawa Raipur , District Raipur Chhattisgarh
2. The Secretary Food , Civil Supply And Consumer Protection Department, Mahanadi Bhawan, Mantralaya , Atal Nagar , Nawa Raipur , District Raipur Chhattisgarh.

3. Chhattisgarh State Cooperative Marketing Federation Limited Through Its Managing Director, Chhattisgarh State Cooperative Marketing Federation Limited, Atal Nagar, Nawa Raipur , District Raipur Chhattisgarh.
4. The Registrar Cooperative Societies, Indrawati Bhawan, Atal Nagar, Nawa Raipur , District Raipur Chhattisgarh.
5. The Collector Rajnandgaon, District Rajnandgaon Chhattisgarh.
6. District Marketing Officer Rajnandgaon, District Rajnandgaon Chhattisgarh.
7. Chhattisgarh Rajya Sahkari Bank (Apex Bank) Through The Managing Director Chhattisgarh Rajya Sahkari Bank, Maryadit Head Office Sahkar Bhawan, Plot No. 74 , Sector 24, Nawa Raipur , Atal Nagar , District Raipur Chhattisgarh.
8. District Cooperative Central Bank Limited Through Its Chief Executive Officer, District Cooperative Central Bank Limited, Rajnandgaon, District Rajnandgaon Chhattisgarh.
9. District Food Officer Rajnandgaon, District Rajnandgaon Chhattisgarh.
10. The Deputy Registrar Cooperative Societies , Rajnandgaon, District Rajnandgaon Chhattisgarh.

---- Respondents

WPC No. 3380 of 2021

1. Adim Jati Sewa Sahkari Samiti Maryadit, Kuhikala, District - Rajnandgaon, Through - Manager Namely Harnarayan Ramteke S/o Pandwan Ramteke, Aged About 49 Years, R/o Village - Kallubanjari, Block - Chhuriya, District - Rajnandgaon Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through - The Secretary, Co-Operative Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, District - Raipur Chhattisgarh
2. The Secretary, Food, Civil Supply And Consumer Protection Department, Mahandi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, District - Raipur Chhattisgarh
3. Chhattisgarh State Cooperative Marketing Federation Limited, Through Its Managing Director, Chhattisgarh State Cooperative Marketing Federation Limited, Atal Nagar, Nawa Raipur, District - Raipur Chhattisgarh.
4. The Registrar, Cooperative Societies, Indrawati Bhawan, Atal Nagar, Nawa Raipur, District - Raipur Chhattisgarh.
5. The Collector, Rajnandgaon, District - Rajnandgaon Chhattisgarh
6. District Marketing Officer, Rajnandgaon, District - Rajnandgaon Chhattisgarh,
7. Chhattisgarh Rajya Sahkari Bank (Apex Bank), Through - The Managing Director, Chhattisgarh Rajya Sahkari Bank, Maryadit, Head Office - Sahkar Bhawan, Plot No. 74, Sector - 24, Nawa Raipur, Atal Nagar, District - Raipur Chhattisgarh.,
8. District Cooperative Central Bank Limited, Through Its Chief Executive Officer, District Cooperative Central Bank Limited, Rajnandgaon, District - Rajnandgaon Chhattisgarh,

9. District Food Officer, Rajnandgaon, District - Rajnandgaon Chhattisgarh,
10. The Deputy Registrar, Cooperative Societies, Rajnandgaon, District - Rajnandgaon Chhattisgarh,

---- Respondents

WPC No. 3349 of 2021

Adim Jati Sewa Sahkari Samiti Maryadit, Manpur District - Rajnandgaon, Through - Manager Namely Tukaram, S/o Fulsingh, Aged About 59 Years, R/o Manpur, District - Rajnandgaon (Chhattisgarh),

---- Petitioner

Versus

1. State Of Chhattisgarh Through- The Secretary, Co-Operative Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, District - Raipur (Chhattisgarh),
2. The Secretary Food, Civil Supply And Consumer Protection Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, District- Raipur (Chhattisgarh)
3. Chhattisgarh State Cooperative Marketing Federation Limited Through Its Managing Director, Chhattisgarh State Cooperative Marketing Federation Limited, Atal Nagar, Nawa Raipur, District- Raipur (Chhattisgarh)
4. The Registrar Cooperative Societies, Indrawati Bhawan, Atal Nagar, Nawa Raipur, District - Raipur (Chhattisgarh)
5. The Collector Rajnandgaon, District - Rajnandgaon (Chhattisgarh), District : Rajnandgaon, Chhattisgarh
6. District Marketing Officer Rajnandgaon, District - Rajnandgaon (Chhattisgarh)
7. Chhattisgarh Rajya Sahkari Bank (Apex Bank) Through The Managing Director, Chhattisgarh Rajya Sahkari Bank, Maryadit, Head Office Sahkar Bhawan, Plot No. 74, Sector - 24, Nawa Raipur, Atal Nagar, District- Raipur Chhattisgarh.
8. District Cooperative Central Bank Limited Through Its Chief Executive Officer, District Cooperative Central Bank Limited, Rajnandgaon, District - Rajnandgaon (Chhattisgarh)
9. District Food Officer Rajnandgaon, District - Rajnandgaon (Chhattisgarh)
10. The Deputy Registrar Cooperative Societies, Rajnandgaon, District- Rajnandgaon (Chhattisgarh)

---- Respondents

For Petitioners	:	Mr. Dharmesh Shrivastava, Advocate
For Respondent/ State Dy.	:	Mr. Ashish Tiwari G.A., Mr. Ravi Bhagat G.A., Mrs. Astha Shukla P.L. & Mr. P. Acharya P.L.
For Respondents No. 3 & 6	:	Mr. Ashish Surana, Advocate
For Respondent- Chhattisgarh Rajya Sahkari Bank (Apex Bank)	:	Mr. Jitendra Shrivastava, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

18.08.2021

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

Vishakha