

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 3384 of 2021

Adim Jati Sewa Sahkari Samiti Maryadit, Patna District Koriya, Through Manager Namely Anup Kumar Kushwaha, S/o Shri Ramakant Kushwaha, Aged About 34 Years, R/o Village Kariyakhand , Post Girjapur , Police Station And Tahsil Patna, District Koriya 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 Koriya, District Koriya Chhattisgarh.
6. District Marketing Officer Koriya , District Koriya 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, Ambikapur, District Surguja Chhattisgarh.
9. District Food Officer Koriya , District Koriya Chhattisgarh.
10. The Deputy Registrar Cooperative Societies, Koriya, District Koriya Chhattisgarh. **---- Respondents**

WPC No. 3387 of 2021

Adim Jati Sewa Sahkari Samiti Maryadit, Chhindand, District - Koriya, Through - Manager Namely Balaji Reddy S/o Shri Ram Reddy, Aged About 31 Years, R/o Qtr. No. 08, West Nepal Gate, Charcha Colliery, Shivpur, District - Koriya 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, Koriya, District - Koriya Chhattisgarh.,
6. District Marketing Officer, Koriya, District - Koriya 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, Ambikapur, District - Surguja Chhattisgarh.,
9. District Food Officer, Koriya, District - Koriya Chhattisgarh
10. The Deputy Registrar, Cooperative Societies, Koriya, District - Koriya Chhattisgarh

---- Respondents

WPC No. 3393 of 2021

Adim Jati Sewa Sahkari Samiti Maryadit, Girjapur District Koriya, Through Manager Namely Surendra Prasad Rajwade S/o Shri Jagar Sai Rajwade, Aged About 42 Years, R/o Village Pipra, Post Girjapur, Police Station Patna, District Koriya 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 Koriya, District Koriya Chhattisgarh.,
6. District Marketing Officer Koriya, District Koriya 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 Cental Bank, Limited, Ambikapur, District Surguja Chhattisgarh.,
9. District Food Officer Koriya, District Koriya Chhattisgarh.
10. The Deputy Registrar Cooperative Societies, Koriya, District Koriya Chhattisgarh

--- Respondents

For Petitioners	:	Mr. Dharmesh Shrivastava, Advocate
For Respondent/ State	:	Mrs. Astha Shukla P.L., Mr. Pawan Kesharwani, P.L. & Mr. P. Acharya P.L.
For Respondents No. 3 & 6	:	Mr. Ashish Surana, Advocate
For Respondents No. 7 & 8	:	Mr. Jitendra Shrivastava, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

19.08.2021

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