

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 4497 of 2021

- Adim Jati Sewa Sahkari Samiti Maryadit, Tukudand District Surajpur, Through Its Manager Baldev Singh, S/o Pandey Ram, Aged 42 Years, R/osawtar, Tahsil - Tukudand, District Surajpur (Chhattisgarh), District : Surajpur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Food, Civil Supplies Consumer Protection, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District - Raipur (Chhattisgarh), District : Raipur, Chhattisgarh
2. Managing Director, C.G. State Market Federation Maryadit, Atal Nagar, Naya Raipur, District - Raipur (Chhattisgarh), District : Raipur, Chhattisgarh
3. The Collector, Surajpur, District Surajpur (Chhattisgarh), District : Surajpur, Chhattisgarh
4. District Cooperative Central Bank Limited, Through Its Chief Executive Officer, District Cooperative Central Bank Limited, Deviganj Road, Ambikapur, District - Surguja (Chhattisgarh), District : Surguja (Ambikapur), Chhattisgarh
5. Nodal Officer, District Cooperative Central Bank Limited, Surajpur, District Surajpur (Chhattisgarh), District : Surajpur, Chhattisgarh
6. District Marketing Officer, Surajpur, District - Surajpur (Chhattisgarh), District : Surajpur, Chhattisgarh

---- Respondents

WPC No. 4491 of 2021

- Adim Jati Sewa Sahkari Samiti Maryadit Chandoura District Surajpur, Through Its In-Charge Umesh Kumar, S/o Girdharilal, Aged About 42 Years, R/o Dawankra, Post- Kewra, Tahsil -Pratappur, District Surajpur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Food, Civil Spplies Consumer Protection, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District- Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

2. Managing Director C.G. State Market Federation Maryadit. Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
3. The Collector, Surajpur, District Surajpur, Chhattisgarh, District : Surajpur, Chhattisgarh
4. District Cooperative Central Bank Limited, Through Its Chief Executive Officer, District Cooperative Central Bank Limited, Deviganj Road, Ambikapur, District Surguja, Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh
5. Nodal Officer District Cooperative Central Bank Limited, Surajpur, District Surajpur, Chhattisgarh, District : Surajpur, Chhattisgarh
6. District Marketing Officer, Surajpur District Surajpur, Chhattisgarh, District : Surajpur, Chhattisgarh

---- Respondents

WPC No. 4501 of 2021

- Adim Jati Sewa Sahkari Samiti Maryadit Umeshwarpur District Surajpur, Through Its In-Charge- Thakur Ram, S/o Jag Sai, Aged About 42 Years, R/o Khal Para, Jaipur, District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Food, Civil Supplies Consumer Protection, Mantralay, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Managing Director C.G. State Market Federation Maryadit, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
3. The Collector, Surajpur, District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh
4. District Cooperative Central Bank Limited, Through Its Chief Executive Officer, District Cooperative Central Bank Limited, Deviganj, Road, Ambikapur, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh
5. Nodal Officer, District Cooperative Central Bank Limited, Surajpur, District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh
6. District Marketing Officer, Surajpur, District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh

---- Respondent

WPC No. 4529 of 2021

- Vrihattakar Sewa Sahkari Samiti Maryadit, Amlipara District Rajnandgaon, Through Manager Namely Devkaran Verma, S/o Mangal Ram Verma , Aged About 50 Years, R/o Village And Post Pipariya, Police Station And Tahsil Khairagarh, District Rajnandgaon Chhattisgarh., 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., 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. 4498 of 2021

- Adim Jati Sewa Sahkari Samiti Maryadit Pratappur Through Its Manager Baldev Singh, S/o Pandey Ram, Aged 42 Years, R/o Sawtar, Tahsil - Pratappur, District Surajpur (Chhattisgarh), District : Surajpur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Food, Civil Supplies Consumer Protection, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District - Raipur (Chhattisgarh), District : Raipur, Chhattisgarh
2. Managing Director C.G. State Market Federation Maryadit, Atal Nagar, Naya Raipur, District - Raipur (Chhattisgarh), District : Raipur, Chhattisgarh
3. The Collector, Surajpur, District Surajpur (Chhattisgarh), District : Surajpur, Chhattisgarh
4. District Cooperative Central Bank Limited, Through Its Chief Executive Officer, District Cooperative Central Bank Limited, Deviganj Road, Ambikapur, District - Surguja (Chhattisgarh), District : Surguja (Ambikapur), Chhattisgarh
5. Nodal Officer, District Cooperative Central Bank Limited, Surajpur, District Surajpur (Chhattisgarh), District : Surajpur, Chhattisgarh
6. District Marketing Officer, Surajpur, District - Surajpur (Chhattisgarh), District : Surajpur, Chhattisgarh

---- Respondents

WPC No. 4503 of 2021

- Adim Jati Seva Sahakari Samiti Maryadit Davankara, District - Surajpur, Through Its In - Charge - Amar Bahadur, S/o Ramprasad, Aged About 35 Years, R/o Village - Kotia, Thana And Tahsil - Pratappur, District - Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through - The Secretary Department Of Food, Civil Supplies Consumer Protection, Mantralay, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District - Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Managing Director - C.G. State Market Federation Maryadit, Atal Nagar, Naya Raipur, District - Raipur Chhattisgarh
3. The Collector, Surajpur, District - Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh
4. District Cooperative Central Bank Limited, Through Its Chief Executive Officer, District Cooperative Central Bank Limited, Deviganj. Road, Ambikapur, District - Surguja Chhattisgarh, District : Surguja

(Ambikapur), Chhattisgarh

5. Nodal Officer, District Cooperative Central Bank Limited, Surajpur, District - Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh
6. District Marketing Officer, Surajpur, District - Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh

---- Respondents

WPC No. 4504 of 2021

- Adim Jati Sewa Sahkari Samiti Maryadit Jagannathpur District Surajpur Through Its Manager Harishankar Jaiswal S/o Late Jagdish Jaiswal Age 54 Years R/o Village Dharampur, Police Station And Tahsil Pratappur, District Surajpur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Food Civil Supplies Consumer Protection Mantralay Mahanadi Bhawan, Atal Nagar, Nawa Raipur District - Raipur Chhattisgarh
2. Managing Director C.G. State Market Federation Maryadit Atal Nagar Naya Raipur, District Raipur Chhattisgarh
3. The Collector Surajpur District Surajpur Chhattisgarh
4. District Cooperative Central Bank Limited Through Its Chief Executive Officer District Cooperative Central Bank Limited Deviganj Road, Ambikapur District Surguja Chhattisgarh
5. Nodal Officer, District Cooperative Central Bank Limited Surajpur District Surajpur Chhattisgarh
6. District Marketing Officer, Surajpur District Surajpur Chhattisgarh

---- Respondents

WPC No. 4165 of 2021

- Sewa Sahkari Samiti Maryadit, Kolihapuri Procurement Center Rangkathera, District Rajnandgaon, Through In Charge Manager Of The Center Namely Sohan Lal Dhimar S/o Rajkumar Dhimar, Aged About 33 Years R/o Village And Post Lal Bahadur Nagar, Police Station Chichola, 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 Supplies And Consumer Protection Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh
- 3. Chhattisgarh State Cooperative Marketing Fedration Maryadit Limited Through Its Managing Director, Chhattisgarh State Cooperative Marketing Fedration Maryadit Limited, Atal Nagar Naya 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

For petitioners	:	Mr. R.B. Singh & Mr. Sanjay Pathak, Advocates.
For State	:	Mr. Ashish Tiwari-Govt. Adv., Mr. Rahul Jha-Govt. Adv. Mr. Aditya Bhardwaj-PL, Ms. Sameeksha Gupta-PL, Mr. Pawan Kesharwani-PL.
For respondents No.4 & 5	:	Mr. Jitendra Shrivastava, Advocate in WPC Nos.4497/2021, 4491/2021, 4501/2021, 4498/2021, 4503/2021 & 4504/2021 and
For respondents No.7	:	Mr. Jitendra Shrivastava, Advocate in WPC Nos.4529/2021 & 4165/2021.
For respondents No.2 & 6	:	Mr. Ashish Surana, Advocate in WPC Nos.4497/2021, 4491/2021, 4501/2021, 4498/2021, 4503/2021 & 4504/2021.
For respondents No.3 & 6	:	Mr. Ashish Surana, Advocate in WPC Nos.4529/2021 & 4165/2021.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

12/11/2021

Heard.

1. The learned counsel for the parties jointly submit that this writ petitions are 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, this writ petitions may also be disposed off in terms of paragraphs 11 and 12 of Gyanendra Pratap Singh (supra).
2. 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.”

3. Accepting the submission of the learned counsel for the parties, this 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.

4. 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.
5. The writ petitions are accordingly disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge