CGHC010112362023 2026:CGHC:45488

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 1694 of 2023

1 - Adim Jati Sewa Sahkari Samiti Maryadit, Binta District Jagdalpur/bastar, Through -In-Charge Manager Namely Diashwar Padhi S/o Dhaneshwar Padhi, Aged About 47 Years, R/o Village - Binta, Police Station - Mardum, District Bastar/jagdalpur Chhattisgarh.

... Petitioner(s)

versus

1 - State Of Chhattisgarh 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, Co-Operative Societies, Indrawati Bhawan, Atal Nagar, Nawa Raipur, District : Raipur, Chhattisgarh

5 - The Collector Bastar, District Bastar/jagdalpur Chhattisgarh.

6 - District Marketing Officer, Jagdalpur, District Bastar/jagdapur Chhattisgarh.

7 - Chhattisgarh Rajya Sahkari Bank (Apex Bank), Through The Managing Director, Chhattisgarhrajya 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, Jagdalpur Through Its Chief

Executive Officer, District Cooperative Central Bank Limited, Jagdalpur, District : Bastar(Jagdalpur), Chhattisgarh

**9 -** District Food Officer, Jagdalpur, District Bastar/jagdalpur Chhattisgarh.

**10 -** The Deputy Registrar, Cooperative Societies, Jagdalpur, District - Bastar/jagdapur Chhattisgarh.

**... Respondent(s)**

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| For Petitioner(s) | : | Ms. Renu Kochar, Advocate. |
| For State/Respondent(s) | : | Shri Avinash Chand Sahu, Deputy AG. |
| For Respondent No.7 | : | Shri Hariom Rai appears on behalf of Shri Jitendra Shrivastava, Advocates. |

**Hon'ble Mr. Justice Amitendra Kishore Prasad**

**Order on Board**

**28/10/2026**

1. The instant writ petition has been filed by the petitioner, Adim Jati Sewa Sahkari Samiti Maryadit, Binta, a Paddy Procurement Centre registered under Registration No. 785, calling in question the legality and validity of the order dated 16.01.2023 passed by the Collector, Bastar, Jagdalpur, in Revenue Case No. 202207150100030/B-121/2021-22, whereby liability has been fastened upon the petitioner-Society in connection with the procurement and storage of paddy during the Kharif Marketing Season 2021–22.

2. The petitioner-Society contends that, pursuant to the Paddy Procurement Policy issued by the State of Chhattisgarh on 25.11.2021 for the Kharif Marketing Season 2021–22, it commenced the procurement of paddy with effect from 01.12.2021. According to the petitioner, under Clause 16 of the said policy, the paddy procured at the procurement centres was required to be lifted and transported

within the prescribed period. However, owing to the alleged failure of the respondent authorities to arrange timely lifting and transportation of the procured paddy, the petitioner-Society was exposed to losses arising from the reduction in moisture content and consequent loss in the weight of the stored paddy.

3. The petitioner further contends that the issuance of Transport Orders (TO) and Delivery Orders (DO), necessary for the transportation of paddy to collection centres and rice mills, respectively, was within the control of the respondent authorities. It is the petitioner's case that, despite the delay attributable to the authorities, the liability arising from the loss in weight of the paddy was arbitrarily imposed upon the petitioner-Society.

4. It is further submitted that, in an earlier round of litigation instituted by the petitioner, being Writ Petition (C) No. 2147 of 2022, this Court, vide order dated 06.05.2022, directed the Collector, Bastar, to consider and decide the petitioner's representation within a period of three months from the date of receipt thereof. However, according to the petitioner, the Collector, without affording an adequate opportunity of hearing and without duly considering the submissions advanced by the petitioner, passed the impugned order dated 16.01.2023, fastening liability upon the Society.

5. Aggrieved by the aforesaid order, the petitioner has approached this Court, contending that the impugned action is arbitrary, contrary to the

applicable Paddy Procurement Policy, and violative of the principles of natural justice. The petitioner, accordingly, seeks quashing of the impugned order and appropriate directions for determination of the actual loss in weight attributable to moisture reduction during storage of the procured paddy and has prayed for the following reliefs:-

> *10.1 That, this Hon'ble Court may kindly be pleased to call for the records concerning the case of the petitioner from the possession of the respondents for its kind perusal.*
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> *10.2 That, this Hon'ble Court may kindly be pleased to quash the order dated 16.01.2023, Annexure P-1 passed by the respondent No. 5 Collector, District Bastar-Jagdalpur.*
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> *10.3 That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to pay the entire commission of paddy purchase work to the petitioner @Rs. 32/- per quintal without any kind of deduction*
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> *10.4 This Hon'ble Court may kindly be pleased to direct the respondent authorities to give the entire expenses for procuring and securing the paddy for such a long time after expiry of the time limit for lifting the entire paddy i.e. 31.03.2021 and also not pressurize the petitioner for any kind of compensation.*
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> *10.5 That, this Hon'ble Court may kindly be pleased to issue a writ directing the respondent no. 3 & 6 to pay the entire compensation to the State as the dryness was occurred due to their non-lifting of paddy within stipulated time.*
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> *10.6 Any other relief/reliefs which this Hon'ble Court may think fit and proper in the facts and circumstances of the case, with cost of the petition may also please be granted to the petitioner.*

6. Learned counsel for the petitioner submits that the respondent authorities failed to ensure timely lifting and transportation of the paddy in accordance with the Paddy Procurement Policy for the year 2021–22. It is contended that the impugned order dated 16.01.2023 passed by the Collector, Bastar, does not record any finding of misappropriation of paddy by the petitioner-Society; rather, the shortage has been attributed to the reduction in moisture content and consequent loss in weight. Learned counsel further submits that, despite the petitioner having specifically raised this issue before the Collector, no proper enquiry was conducted and the liability was arbitrarily fastened upon the Society without adequately considering its submissions.

7. Learned State counsel submits that the petitioner had earlier preferred a writ petition before this Court, registered as W.P.(C) No. 2147 of 2022, seeking appropriate directions to the respondents for extending the benefits contemplated under Clause 19.7 of the Policy framed by the State Government and Clause 14 of the Tripartite Agreement. The said writ petition came up for hearing before this Court on 06.05.2022, and this Court disposed of the same with a direction to the petitioner to submit a fresh representation before respondent No. 5 within a period of three weeks. Respondent No. 5 was, in turn, directed to consider and decide the said representation within a period of three months from the date of its receipt. This Court further granted liberty to the petitioner

to approach respondent No. 5 by filing an appropriate application seeking interim protection in the event of any notice being issued for taking coercive action against the petitioner Society, pending consideration of its representation. In compliance with the aforesaid directions issued by this Court, Respondent No. 5 considered the grievance raised by the petitioner and called for reports from the District Marketing Officer, Jagdalpur, the District Food Officer, Jagdalpur, and the Deputy Registrar, Cooperative Societies. Thereafter, respondent No. 5 passed the impugned order dated 16.01.2023 (Annexure P-1), whereby the petitioner Society was held liable for the alleged shortage of paddy. While passing the impugned order, respondent No. 5 observed that, out of the 71 Paddy Procurement Centres situated in District Bastar, no shortage of paddy had been detected in 70 centres, whereas the alleged shortage was found only in the petitioner Society. It was further observed that the petitioner Society had not procured paddy at its authorised procurement centre, namely, Adim Jati Sewa Sahakari Samiti, Binta, but had instead undertaken procurement at Kaknar, which was stated to be an unauthorised centre not approved by the State Government. On the basis of these observations, respondent No. 5 attributed the alleged shortage to the purported fault and negligence of the petitioner Society and fastened the liability for the same upon it.

8. I have heard counsel for the parties and perused the documents

annexed with the petition carefully.

9. In the first round of litigation, the petitioner-Society approached this Court by filing Writ Petition (C) No. 2147 of 2022, seeking appropriate directions for extending the benefits contemplated under Clause 19.7 of the Paddy Procurement Policy and Clause 14 of the Tripartite Agreement. This Court, vide order dated 06.05.2022, disposed of the writ petition with a direction to the petitioner to submit a fresh representation before respondent No. 5, the Collector, Bastar, within a period of three weeks. Respondent No. 5 was, in turn, directed to consider and decide the representation within three months from the date of its receipt. Liberty was also granted to the petitioner to seek interim protection in the event of any coercive action being initiated against it during the pendency of the representation.

10. Pursuant to the aforesaid directions, the petitioner submitted its representation before the Collector, Bastar, raising grievances regarding the alleged delay in lifting the procured paddy and the consequential loss in weight attributable to the reduction in moisture content. The petitioner contended that the responsibility for such loss could not be fastened upon the Society, particularly when the lifting and transportation of paddy were dependent upon the issuance of Transport Orders and Delivery Orders by the respondent authorities. The representation was considered by the Collector, who called for reports from the District Marketing Officer, Jagdalpur, the District Food

Officer, Jagdalpur, and the Deputy Registrar, Cooperative Societies, before proceeding to decide the matter.

11. Upon consideration of the material available on record and the reports obtained from the concerned authorities, the Collector passed the impugned order dated 16.01.2023 in Revenue Case No. 202207150100030/B-121/2021-22, holding the petitioner-Society liable for the shortage of paddy detected at its procurement centre. The Collector observed that, out of 71 paddy procurement centres functioning in District Bastar, no shortage attributable to drying had been reported at 70 centres, whereas the shortage in question had been detected only at the centre associated with the petitioner-Society. It was further observed that the petitioner had undertaken procurement at Kaknar, which was stated to be an unauthorised sub-centre, instead of confining its procurement activities to its authorised centre at Binta. On the basis of these circumstances, the Collector attributed the shortage to deficiencies in the management and maintenance of the procured paddy by the petitioner-Society and fastened liability upon it.

12. A perusal of the impugned order reveals that the Collector duly considered the principal contention of the petitioner that the procured paddy had not been lifted within 72 hours of procurement and that the resultant reduction in moisture content could not, therefore, be attributed to any lapse on the part of the Society. The petitioner had also contended that, owing to the delay in lifting, the stored paddy

remained exposed to sunlight, rain and damage caused by rodents and other animals, resulting in a loss of quantity. The Collector noted that the last consignment of paddy was lifted from the procurement centre on 18.04.2022 and that 509.87 quintals of dried paddy had been found at the centre. The Collector further observed that the petitioner had failed to explain the circumstances in which the sub-centre at Kaknar had been operated or to establish that the requisite permission had been obtained from the competent authority for operating the same.

13. At the same time, the Collector took note of the petitioner's contention that the transportation of paddy from Kaknar had been delayed owing to the absence of proper planning for procurement at that location. However, it was observed that the petitioner-Society could itself have taken steps to transport the paddy, but no material had been brought on record to demonstrate that any such efforts had been undertaken by its management.

14. The Collector also considered the inspection notes recorded by the Nodal Officer on 07.01.2022 and 21.01.2022, which indicated deficiencies in the maintenance and management of the procured paddy and a consequent decline in its moisture content. The inspection notes further recorded that instructions had been issued to improve the system of maintenance and preservation of the stored paddy. Taking note of the fact that no similar shortage had been reported at 70 out of the 71 procurement centres in the district, the Collector concluded that

the shortage at the petitioner's centre was attributable to deficiencies in its management and maintenance and, accordingly, held the petitioner-Society responsible for the loss.

15. Having considered the rival submissions and upon perusal of the material available on record, this Court finds that the Collector examined the circumstances surrounding the alleged shortage of paddy, including the delay in lifting, the operation of the sub-centre at Kaknar, the inspection reports and the alleged deficiencies in the maintenance of the procured paddy. The Collector also considered the petitioner's contention that the loss had occurred on account of the delay attributable to the respondent authorities, but ultimately found the petitioner-Society responsible for the shortage on the basis of the material available on record.

16. In the facts and circumstances of the case, this Court finds no sufficient ground to interfere with the impugned order in exercise of its writ jurisdiction under Article 226 of the Constitution of India.

17. Consequently, the writ petition is **dismissed.**

**Sd/-**

**(Amitendra Kishore Prasad)**
**Judge**

Avinash