



2025:CGHC:67

**NAFR**

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPC No. 6417 of 2024**

Amrit Lal Sahu S/o Shri Govindram Sahu Aged About 42 Years Occupation Incharge of Paddy Procurement Center Chikhali, R/o Village Tundra, Post- Tundra, Tashil- Tundra, Police Station - Gidhour, District - Balodabazar- Bhatapara, (C.G.)

**... Petitioner(s)**

**versus**

**1** State Of Chhattisgarh Through The Secretary Department Of Food, Civil Supplies Consumer Protection, Mantralay, Mahanadi Bhawan Atal Nagar, Nava Raipur, Distt- Raipur(C.G.)

**2** Managing Director C.G State Market Federation Maryadit, Atal Nagar, Nava Raipur,Distt-Raipur(C.G.)

**3** District Marketing Officer, Balodabazar- Bhatapara, District - Balodabazar- Bhatapara(C.G.)

**4** Nodal Officer, District Cooperative Central Bank Limited Raipur, District- Raipur (C.G.)

**5** The Arbitrator /collector Balodabazar- Bhatapara, District - Balodabazar- Bhatapara(C.G.)

**6** Deputy Commissioner Co- Operative Societies, Balodabazar - Bhatapara, District -Balodabazar-Bhatapara(C.G.)

**7** Recovery Officer, Office Of Deputy Commissiner Co- Operative /deputy Registrar,

Co- Operative Societies, Balodabazar - Bhatapara, District - Balodabazar-  
Bhatapara (C.G)

... Respondent(s)

---

For Petitioner : Shri Sanjay Pathak, Advocate

---

For Respondents/ : Shri R.K. Gupta, Addl. A.G.

State

---

For Respondent No. 4 : Shri Manish Upadhyaya, Advocate

---

**(HON'BLE SHRI JUSTICE BIBHU DATTA GURU)**

**Order on Board**

**02/01/2025**

1. Instant writ petition under Article 226 of the Constitution of India has been preferred against the petitioner seeking following reliefs :-

“10.1 That, Hon'ble Court may kindly be pleased to quash the impugned notice dated 29.11.2024 (Annexure P-1) and direct the respondent's authorities to not take any coercive action / steps against the petitioner.

10.2 That, Hon'ble Court may kindly be pleased to direct the respondent's authorities the petitioner should not be removed from his financial and managerial charges of the Society.

10.3 That, the Hon'ble Court may kindly be pleased to issue an appropriate writ by commanding and directing the respondent's authority to not take any coercive action / steps against the petitioner till filing and deciding the appeal before the Divisional Commissioner as per clause 14 of the agreement.

10.4 That, the Hon'ble Court may kindly be pleased to direct the respondent authority to comply the terms and condition of the agreement and policy which relates to insurance of paddy.

10.5 That, the Hon'ble Court may kindly be pleased to direct the respondents to provide the benefit of loss of paddy due to dryness and change of climates.

10.6 That, the Hon'ble Court may kindly be pleased to passed the identical order passed by this Hon'ble Court in W.P. (C) 5112/2024.

10.7 Any other relief which the Hon'ble Court may deem fit, in the interest of justice.

2. Learned counsel appearing for the petitioner submits that the petitioner

was the Incharge of Paddy Procurement Centre, Tilda, Centre Dongardih, Tahsil Lavan, District Balodabazar-Bhatapara (C.G.). Under the tripartite agreement executed between respondent No. 2/C.G. State Market Federation Maryadit, Respondent No. 4/District Co-operative Central Bank Limited and Society of the petitioner, the petitioner purchased paddy for Kharif Season 2023-24. Paddy purchased by the petitioner-Society were kept in Paddy Procurement Centre for long, as the same was not lifted in time, therefore, due to changing weather condition and effect of direct sunlight, moisture of paddy dried, as such, shortage occurred. Because of such shortage, the petitioner was being harassed and threatened by the respondent authorities through the police administration and also pressurizing him to clear the shortage of paddy, therefore, the petitioner had filed Writ Petition No. 3600 / 2024. In that writ petition, Coordinate Bench of this Court vide order dated 19.07.2024, has directed the concerned Collector to arbitrate the issue in light of clause 5.6 and Clause 14 of the tripartite agreement, thereafter, petitioner filed arbitration application before Arbitrator-cum-Collector, Balodabazar-Bhatapara (C.G.), which was registered as Revenue Case No. 202408210100009 ₹ /121 year 2023-24, but the same has been dismissed by the Arbitrator-cum-Collector, Balodabazar-Bhatapara (C.G.) vide order dated 21st October, 2024. It is further contended that aforesaid order was reserved by Arbitrator-cum-Collector, Balodabazar-Bhatapara (C.G.) and passed order in absence of petitioner. The petitioner came to know about aforesaid order on 6.11.2024, thereafter, he filed an application for obtaining certified copy of the same on the same day, which was received by him on 29.11.2024. He further submits that on 29.11.2024 itself, respondent No. 6 – Deputy Commissioner Co- Operative / Deputy Registrar Co- Operative Societies Balodabazar - Bhatapara Distict - Balodabazar - Bhatapara has issued recovery memo against the petitioner for recovery of amount to the tune of Rs.16,22,449.26/-. It is contended

further that impugned order passed by the Arbitrator-cum-Collector, Balodabazar-Bhatapara is appealable under Clause 14 of the tripartite agreement within 30 days, but since petitioner himself came to know about passing of the impugned order on 06.11.2024, thereafter, on same day, he filed application for obtaining certified copy of the impugned order, which was received to him on 29.11.2024, thus, the appeal period is still in existence and petitioner wants to file appeal before the Commissioner under Clause 14 of the tripartite agreement , therefore, he submits that this petition may be disposed of granting liberty to the petitioner to file appeal against the impugned order (Annexure P-3) dated 21.10.2024. Till then, effect & operation of the impugned order 21.10.2024 (Annexure P-3) passed by the respondent No. 5 – Arbitrator -cum- Collector, Balodabazar-Bhatapara and recovery memo dated 29.11.2024 (Annexure P-1) passed by respondent No. 6 may be stayed.

3. Per contra, learned counsel appearing for respondents No. 2 & 3 / State Market Federation Maryadit submits that it was the duty of the petitioner-Society to safeguard the paddy, but it was negligent on his duty, therefore, financial loss was faced by the Government, as such, recovery order dated 29.11.2024 has been issued against the petitioner in light of order dated 21.10.2024 passed by by the Arbitrator-cum-Collector, Blalodabazar-Bhatapara. However, he also submits that impugned order passed by the Arbitrator-cum-Collector,Balodabazar-Bhatapara is appealable before the Commissioner, Raipur Division,Raipur under clause 14 of the tripartite agreement.

4. Learned counsel appearing for other respondents are extended their support to the submission made by counsel for respondents No. 2 & 3.

5. I have heard learned counsel appearing for the parties and perused the

material available on record.

6. It is not in dispute that order dated 21st October, 2024 passed by the Arbitrator-cum-Collector, Balodabazar-Bhatapara is appealable before the Commissioner, Raipur Division, Raipur, under Clause 14 of the tripartite agreement. In the instant case, although impugned order (Annexure P-3) has been passed on 21.10.2024, but according to counsel for petitioner, that order has been passed and his absence and he has not been served with said order and he came to know about the aforesaid order dated 6.11.2024, thereafter, he filed application to obtain certified copy of same, which was received to him on 29.11.2024. The appeal period is said to be 30 days and the petitioner want to file appeal under Clause 14 of the tripartite agreement.

7. Having considered the aforesaid facts and the contention putforth by counsel for both the parties, this petition stands disposed of granting liberty to the petitioner to file appeal against the order dated 21st October, 2024 passed by the Arbitrator-cum-Collector, Balodabazar-Bhatapara before the Commissioner, Raipur Division, Raipur within 15 days from today.

8. Till then, effect & operation of the impugned order dated 21.10.2024 (Annexure P-3) passed by Arbitrator-cum-Collector, Balodabazar-Bhatapara and the recovery order dated 29.11.2024 (Annexure P-1) passed by respondent No. 6 - Deputy Commissioner Co- Operative & Deputy Registrar Co- Operative Societies Balodabazar - Bhatapara District - Balodabazar – Bhatapara shall remain stayed. After filing appeal, the petitioner may file appropriate application for grant of stay, which shall be considered and decided by the Commissioner, Raipur Division, Raipur in accordance with law.

9. It is made clear that if the appeal is not filed within the aforesaid period, then the interim protection shall loose its efficacy.

10. With the aforesaid observations & directions, the writ petition stands disposed off.

**Sd/-**  
**(BIBHU DATTA GURU)**  
**JUDGE**

**Jyoti**