

(2024) 03 CHH CK 0065

In the Chhattisgarh High Court

Case No : Writ Petition (C) No. 1715, 1716, 1718, 1719, 1720, 1722, 1725, 1726, 1733, 1736, 1739, 1740, 1741, 1742, 1743, 1744, 1746, 1747, 1748, 1749, 1754, 1755 Of 2024

Komal Prasad Chandrakar

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 27-03-2024

Acts Referred:

Citation : (2024) 03 CHH CK 0065

Hon'ble Judges : Rakesh Mohan Pandey, J

Bench : Single Bench

Advocate : Raghvendra Pradhan, Sanjay Pathak, Ratnesh Kumar Agrawal, Poorva Tiwari, Shreyansh Mehta, Shubham Bajpai, Saumitra Kesharwani, Pranjal Shukla, Yashraj Verma, Juhi Jaiswal, Sandeep Dubey, Manas Vajpai, Pragati Kaushik, Jitendra Shrivastava, Seema Mishra, Ashish Surana

Final Decision : Disposed Of

Judgement

1. The above captioned Writ Petitions involve common questions of law and facts therefore, they were heard together and are being disposed of by this common order.

2. The above-mentioned Writ Petitions have been preferred by Primary Agricultural Co-operative Societies through their Managers seeking therein direction(s) to respondent authorities to lift the paddy from paddy procurement centres.

3. The facts in a nutshell are that the State Government took the decision to purchase paddy at respective paddy procurement centres directly from farmers and a tripartite agreement was entered into between the CG. State Co-operative Marketing Federation, District Co-operative Central Bank Ltd. and Primary Agricultural Co-operative Societies in the months of October-November, 2023. The managers of Primary Agricultural Co-operative Societies engaged themselves or appointed their representatives to purchase paddy from farmers at paddy

procurement centres. According to the terms and conditions of the agreements, the CG. State Co-operative Marketing Federation had to lift the buffer stock within an outer limit of 72 hours or up to 28.02.2024. The last date of the paddy purchase was 04.02.2024. Storage, purchase process, computerization etc. was to be done by the Primary Agricultural Co-operative Societies. The grievance of the petitioners is that the buffer stock was purchased by the respective paddy procurement centres but the paddy was not lifted by the CG. State Cooperative Marketing Federation within the agreed period. It is further stated that non-lifting of paddy may cause a shortage in quantity of paddy and the petitioners have an apprehension that respondent authorities may initiate penal proceedings against them. The petitioners have further pleaded that various representations were made to the respondent authorities but no heed was paid.

4. Learned counsel for the petitioners would argue that the CG. State Co-operative Marketing Federation was under the obligation to lift the paddy by 28.02.2024 and in the case of buffer stock, the paddy had to be lifted within 72 hours. They would further submit that despite repeated reminders the CG. State Co-operative Marketing Federation failed to take any steps to lift the paddy from respective paddy procurement centres. It is also argued that paddy was purchased by the centres with permissible moisture of 16-18% but by efflux of time, there may be some shortage in the weight of paddy on account of dryness and at the time of the audit, objection may be raised and consequently, action may be taken against the in-charge(s) of the paddy procurement centres or their managers. It is prayed that appropriate direction may be issued to respondent authorities to lift the paddy immediately.

5. On the other hand, learned counsels for the CG. State Co-operative Marketing Federation would submit that directions have been issued to District Marketing Officers of the CG. Co-operative State Marketing Federation and District Collectors to lift the paddy from paddy procurement centres as early as possible. It is argued that necessary directions in this regard have been issued. They would further submit that a permissible shortage of up to 1% of paddy is permissible as per the circular issued by the Central Government. They would also submit that the State Government issues circular in this regard every year and in the last year, permissible shortage was 3% as per the circular issued by the State Government. He would also add that there hasn't been a special circular published in this regard this year.

6. Learned Panel Lawyers appearing for the State would submit that directions have been issued by the Secretary, Department of Food, Civil Supplies & Consumer Protection (CG.) on 15.03.2024 and all the District Marketing Officers of CG. State Co-operative Marketing Federation and District Collectors to lift the paddy from the paddy procurement centres and in this regard, a chart has been prepared. They would further submit that appropriate action shall be taken to lift the paddy from the paddy procurement centres. They would argue that the State Government will make the proper decision regarding the shortage by the dryness.

7. Mr. Jitendra Shrivastava, counsel appearing for District Co-operative Central Banks would submit that according to the terms and conditions of the agreement, the CG. State Marketing Federation ought to have lifted paddy within the agreed period.

8. Heard learned counsel for the parties and perused the documents placed on record.

9. Today, during the course of the argument, a letter issued by the Secretary, Department of Food, Civil Supplies & Consumer Protection (CG.) has been placed on record which reveals that the District Marketing Officers of the CG. State Co-operative Marketing Federation and the Collectors have been directed to look into the matter and take appropriate steps for the lifting of paddy from paddy procurement centres. A chart has also been annexed to this letter. It appears that after filing these petitions, the State Government has taken steps to lift the paddy from paddy procurement centres. It is assured by learned counsel for the State and counsel appearing for the CG. State Co-operative Marketing Federation that appropriate action shall be taken by the authorities to lift the paddy from paddy procurement centres at the earliest, therefore, the first part of the grievance of the petitioners is hereby settled. Respondent authorities are directed to lift the paddy from paddy procurement centres as early as possible preferably within a period of 30 days from today.

10. With regard to shortage on account of dryness as stated by learned counsels for Marketing Federation and the State, no specific order/circular has been issued by the State Government, therefore the petitioners would be at liberty to make representation(s) before the State authorities assigning their grievances. The State Government and the CG. Co-operative State Marketing Federation are directed to take a decision on such representation(s) in an objective manner taking into account the difficulties of the petitioners preferably within a period of 30 days. The authorities are directed to consider all the grounds raised by petitioners in their representation(s).

11. The present Writ Petitions are disposed of in accordance with the aforementioned observation(s) and directive(s).