
(2021) 06 CHH CK 0140

In the Chhattisgarh High Court

Case No : Writ Petition (Civil) No. 2596 Of 2021

Laxmi Swayam Sahayata Samooh

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 30-06-2021

Acts Referred:

Citation : (2021) 06 CHH CK 0140

Hon'ble Judges : Goutam Bhaduri, J

Bench : Single Bench

Advocate : Keshav Prasad Gupta, Richa Shukla

Final Decision : Disposed Of

Judgement

1. Heard.

2. Learned counsel for the petitioner would submit that the petitioner was supplying ready to eat food material and was under the contract from

29.06.2018 for a period of 5 years. He would further submit that as per the policy of the State that before the group is removed from supply of ready

to eat food material, it would be given 10 days time to place its defense, whereas in this case the petitioner was served with a notice on 21.05.2021 in

a WhatsApp group meaning thereby the notice was not personally served. He would further submit that despite that the petitioner after coming to

know about the fact of issuance of notice, filed the reply on 24.05.2021 but by then, order dated 22.05.2021 was passed whereby the petitioner was

removed from supply of ready to eat food material and temporary arrangement was carried out through another person. He would therefore, submit

that the order dated 22.05.2021 is passed without giving any opportunity of hearing to the petitioner and the same may be quashed.

3. Perusal of the documents would show that the petitioner entered into an agreement on 29.06.2018 for supply of ready to eat food material for a period of 5 years. The policy of the State dated 03.12.2019 (Annexure P-6) in respect of removal of supply of ready to eat food material is also

perused. Wherein out of different guidelines/policy clause 7.4 purports that before the group is removed from supply of ready to eat food material,

District Program Officer would issue a show-cause notice to the group regarding contemplating removal from supply of ready to eat food material

along with the detailed description of charges and thereafter the group would be given opportunity to place its defense before the said authority within

a period of 10 days.

4. Clause 7.4 of the policy dated 03.12.2019 (Annexure P-6) is reproduced hereinbelow:-

5. It is the case of the petitioner that the notice dated 21.05.2021 was issued at the fag end of the month and the petitioner was directed to file reply by

22.05.2021 till 12 O'Clock. The reading of the notice (Annexure P-4) also supports the same. The reply was filed on 24.05.2021 by the time the order

dated 22.05.2021 was passed vide Annexure P-1. Therefore, obviously before removal from supply of ready to eat food material, the petitioner was

not given opportunity of hearing which is engrafted at clause 7.4 of the policy. Even otherwise after issuing a show-cause notice on 21.05.2021 asking

to file reply by 22.05.2021 within 12 hours would also be unreasonable and arbitrary which itself demonstrates that proper opportunity of hearing was

not given apart from the fact that the policy of the State was also not followed.

6. In a result, since the opportunity of hearing was not provided to the petitioner before the cancellation/removal order was passed, under these

circumstances, the order dated 22.05.2021 is quahsed. However, the State shall be at liberty to draw the fresh proceeding if they so desire to do so

and shall follow the policy of the State if the proceedings are further drawn in respect of the petitioner for removal from supply to ready to eat food

material. The consequences of the order shall follow.

7. With the aforesaid observation, the writ petition stands disposed of.