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IN THE CHHATTISGARH HIGH COURT OF JUDICATURE
AT BILASPUR

W.P. NO. 1593 / 2001

PETITIONERS

P. R. No. 1698/01
Presented by Shri Vinod Kumar Belpati
dated 27.8.01

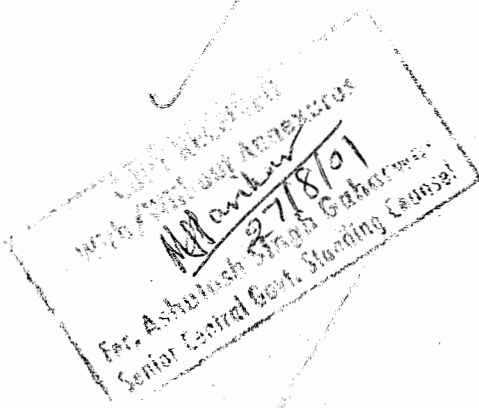


- 1) M/s RAJPAL RICE MILL, NEORA
THROUGH : RAJKUMAR RAJPAL,
AGED 34 YEARS, S/o SHRI TIKAM DAS
RAJPAL, PARTNER, VILLAGE TULSI,
PO. NEORA (TILDA),
DIST. RAIPUR (CG)
- 2) M/s GINDLANI RICE MILL
THROUGH: RAMCHANDRA GINDLANI,
AGED ABOUT 37 YEARS,
S/o LATE SHRI NANDLAL GINDLANI,
VILLAGE TULSI,
PO. NEORA (TILDA),
DIST. RAIPUR (CG)
- 3) MOTILAL AGRAWAL,
S/o SHRI TARACHAND AGRAWAL,
AGED ABOUT 32 YEARS,
PROPRIETOR, M/s MUNKA CHAWAL
UDYOG, VILLAGE SINODHA,
NEORA (TILDA), DIST. RAIPUR(CG)

Vs

RESPONDENTS

- 1) UNION OF INDIA,
THROUGH ITS SECRETARY,
DEPTT. OF FOOD & CIVIL SUPPLIES,
NEW DELHI.
- 2) STATE OF CHHATTISGARH,
THROUGH : ITS SECRETARY
DEPTT.OF FOOD & CIVIL SUPPLIES,
& CONSUMER PROTECTION
RAIPUR (CG)
- 3) FOOD CORPORATION OF INDIA,
THROUGH : ZONAL MANAGER(WEST),
MISTRI BHAWAN, MUMBAI.
- 4) DIST. MANAGER,
FOOD CORPORATION OF INDIA,
DISTRICT OFFICE,
RAIPUR (CG).



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FILE - TO A.C. BILASPUR

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PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR
ISSUANCE OF WRITS IN THE NATURE OF CERTIORARI, MANDAMUS,
PROHIBITION AND OTHER SUITABLE WRIT, ORDER/DIRECTIONS TO THE
RESPONDENTS.

आदेश पत्रक (पुर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में छिदी रजिस्ट्रार के अन्तिम आदेश
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२४.१.०१	<p>This case is <u>2/50</u> disposed of in terms of order passed in WP 1443/01</p> <p>Sd/- Chief Justice</p>	<p>Date <u>28</u> forwards for info action.</p>
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GRPRJ—FS/311—1/2001—50,000.

24.1.01

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आदेश पत्रक

Writ Petition No.1443/2001

मामला क्रमांक सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p><u>27/9/2001</u></p> <p>Shri Dharendra Mishra, learned counsel for petitioner.</p> <p>Shri U.N. Deo, on instructions from Shri A.S. Gaharwar for respondent no.1.</p> <p>Shri Rajeev Shrivastava, learned counsel for the respondent no.2.</p> <p>Shri B.P. Gupta, learned counsel for respondents nos.3 & 4 (FCI).</p> <p style="text-align: center;"><u>O R D E R</u></p> <p>On 16/8/2001 notice was issued and an interim order was passed to the effect that until the next date of hearing the impugned order dated 30/7/2001 (Annexure-P/10) issued by the District Manager, shall remain suspended. It is con- tended by Shri Dharendra Mishra, learned counsel for the petitioner that the petitioner had brought and unloaded 2000 quintals of boiled rice in the premises of F.C.I at Naila. At this stage, Mr. B.P. Gupta, learned counsel for respondents nos. 3 and 4 submits that some quantity was earlier deposited and some more quantity was subsequently deposited. It is also further contended by Shri Gupta that for want of production certificate, certain quantity of rice could not be deposited. However, it is submitted</p>	

[पीछे देखिये]

आदेश पत्रक (पुर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमिक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>.. 2 ..</p> <p>Shri Mishra that production certificate duly obtained from the Competent Authority has since been submitted. It is further submitted by Shri Mishra that in view of interim order passed by this Court on 16/8/2001, the concerned Authority ought to have verified and accepted the supply of rice by the writ petitioner. However, according to Mr. Mishra, learned counsel for the petitioner, about 15 days the trucks were lying there and in the process loss was also sustained by the writ petitioner. According to Mr. Gupta, learned counsel for respondents nos. 3 and 4, upon verification, if rice supplied by the writ petitioner meets the minium standard, there is no reason to reject. However, it is contended that if rice thus supplied is not good in terms of specification/standard laid down in this regard, then the Authority has no alternative, but to reject. It appears that I need not give any finding as regards the quality of rice. However, since rice is also perishable goods, the Competent Authority should immediately verify and take final decision of acceptance or rejection of the supply already made by the petitioner. This shall be done subject to submission of production certificate. Though it is submitted by Shri Mishra that in respect of some other persons such certificate is not insisted upon, if it is how the thing is done, then the petitioner must comply with the requirement of submission of production certificate from the Competent Authority.</p>	

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आदेश पत्रक

मामला क्रमांक सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p style="text-align: center;">.. 3 ..</p> <p>Let it be done within ten days from today. If certain quantity of rice is rejected, in my view, there is no harm supplying sample of rejected rice to the petitioner, if requested, in this regard. However, such should also be done in accordance with procedure laid down in this regard.</p> <p>The petition is disposed of.</p> <p>Certified copy as per rules.</p>	<p style="text-align: right;">Sd/- Chief Justice</p>