

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
WPC No. 2729 of 2024

1 - Shyam Lal Sahu S/o Vipat Ram Sahu Aged About 30 Years
Occupation - Incharge Of Paddy Procurement Center Bhalukhondra,
R/o Village Koylari, Police Station - Lalpur, Tahsil - Lormi, District
Mungeli (C.G.), Mo. No. 9617446393
---- Petitioner

Versus

1 - State Of Chhattisgarh Through Secretary, Department Of Food,
Civil Supplies And Consumer Protection, Mahanadi Bhawan, New
Mantralaya, Atal Nagar Raipur, Police Station - Rakhi, Tahsil And
District Raipur (C.G.)

2 - Collector (Co-Operative Branch), Mungeli District Mungeli (C.G.)

3 - Managing Director Chhattisgarh State Co-Operative Marketing
Federation Limited, 6th Floor, Tower-C, Commercial Complex Cbd,
Sector 21, Atal Nagar Nawa Raipur, District Raipur (C.G.)

4 - Assistant Registrar Co-Operative Societies Mungeli, Tahsil And
District Mungeli (C.G.)

5 - District Marketing Officer Chhattisgarh Rajya Sahkari Vipadan
Sangh Maryadit Mungeli, District Mungeli (C.G.)

6 - Nodal Officer Zila Sahkari Kendriya Bank Maryadit Branch
Mungeli, District Mungeli (C.G.)

7 - Sub-Divisional Officer, Lormi District Mungeli (C.G.)

---- Respondents

Mr. Ratnesh Kumar Agrawal with Mr. Sourav Agrawal, Mr. R. S. Marhas,
Additional AG, Garry Mukhopadhyay, GA, Mr. Arvind Dubey, GA, Mr.
Akhilesh Kumar, GA, Mr. Rahul Tamaskar, learned GA, Ms. Upasana Mehta,
Dy. GA, Mr. Suyash Dhar Badgaiyan, Dy. GA, Mr. Harshal Chouhan, Mr.
Aman Tamboli on behalf of Mr. Sangarash Pandey, and Mr. Akash Pandey
on behalf of Mr. Jitendra Shrivastava, learned counsel for their respective
parties.

Hon'ble Shri Justice Sachin Singh Rajput

Order On Board

31.05.2024

This petition has been filed seeking following relief(s):-

- i) That, this Hon'ble Court may kindly be pleased to
call for entire records of the case, from the authorities.
- ii) That, this Hon'ble Court may kindly be pleased to
direct to the respondent authorities to make an enquiry
that who is the responsible for loss / damage / rotten of
the stock of the paddy within the knowledge of the
petitioner and further be please to direct to the

respondent authorities to takes appropriate steps on the basis of enquiry, is in the interest of justice.

iii) That, any other relief/order which may deem fit and just in the facts and circumstances of the case including award of the costs of the petition may be given.

2. Learned counsel for the petitioner submits that the petitioner is working as Incharge of the paddy procurement center Bhalukhondra, Tahsil Lormi & District Mungeli which is controlled by concerned Seva Sahkari Samiti Maryadit. Show cause notice annexure P-8 dated 08.05.2024 was issued by respondent No. 4 seeking an explanation as to why there was shortage of Paddy in the paddy procurement center during physical inspection and that if the satisfactory explanation was not given, appropriate action would be taken against him in accordance with law.

3. Counsel for the petitioner further submits that an enquiry may be conducted to find out as to who was responsible for shortage of paddy at the time of physical inspection in the paddy procurement center and that till the enquiry is concluded, no coercive steps should be taken against the petitioner.

4. Counsel for the respondents submit that as per the agreement entered into between the petitioner and the respondents (annexure P-3) there is an arbitration clause No. 14 and the grievance of the petitioner if any can be resorted to by arbitration proceeding and therefore, this petition is not maintainable. It is further submitted that dispute involved in this petition may be considered and decided by the arbitrator in terms of the agreement.

5. During the course of argument an order dated 27.05.2024 passed in WPC No. 2678 of 2024 was brought to the notice of this Court in which the case being based on the same facts and circumstances was disposed of by referring the matter to the arbitrator.

6. Heard counsel for the parties and perused the documents on record.

7. From the reading of pleadings and the documents it appears that the dispute is with regard to the shortage of paddy in the paddy procurement center found during physical inspection. Clause 14 of the agreement (Annexure-P/03) entered into between the parties deals with arbitration, which reads as under:

आर्बिट्रेशन :-

इस अनुबंध की किसी भी कण्डिका से संबंधित विवाद उत्पन्न होने की स्थिति में विवाद के निर्णय हेतु जिले में जिला कलेक्टर का निर्णय अन्तिम होगा जो उभयपक्षों को मान्य होगा। कलेक्टर द्वारा दिये गये निर्णय की अपील उभयपक्षों द्वारा संबंधित जिले के संभागीय आयुक्त को की जा सकेगी।

8. This Court in WPC No. 2678 of 2024 involving the identical issue had referred the dispute to the arbitrator asking the parties to take shelter of the arbitrator. In the light of said order and considering the pleadings and documents on records, this Court is of the opinion that this petition may be disposed of permitting the petitioner to approach the arbitrator in terms of clause 14 of the agreement within 15 days from the date of receipt of copy of this order. Thereafter the concerned arbitrator shall decide the said application within a further period of 45 days from the date of application being made. For a period of 60 days, no coercive steps shall be taken against the petitioner pursuant to the show cause notice dated 08.05.2024 issued against the petitioner.

9. The petition is thus disposed of.

Sd/-

(Sachin Singh Rajput)

JUDGE