



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9322 of 2026

Bimbadhara Enterprise, Petitioner
Balasore

Mr. Jaydeep Pal, Advocate

-versus-

State of Odisha and others Opp. Parties

Mr. P.K. Mohanty, ASC
(for Opp. Party Nos.1 & 2)

CORAM:

JUSTICE MRUGANKA SEKHAR SAHOO

ORDER

26.03.2026

(Hybrid Mode)

Order No.

01.

1. The petitioner-a partnership firm represented through its Managing Partner is before this Court invoking the jurisdiction under Articles 226 and 227 of the Constitution of India, *inter alia*, praying for a direction to the Opp. Parties to allow the petitioner-rice milling unit for accepting stock of paddy for custom milling for Khariff Marketing Season (KMS) 2025-26.

2. Learned counsel for the petitioner refers to the operational guidelines issued by the Odisha State Civil Supplies Corporation Limited (A Government of Odisha undertaking) which is in the activity/business of procurement of paddy for KMS 2025-26.



19.5 of the said guidelines (Annexure-20 to the writ petition, Page-109 of the brief), the paragraph is reproduced herein.

“19. SELECTION OF CUSTOM MILLER

xxx

xxx

xxx

19.5 In case of any mill having been acquired either by purchase or lease the inheritor/purchaser shall be liable for payment of the dues of the defaulting miller. Such mill shall be allowed after clearance of dues to participate, on SD norm of 1:1, 1:2 and 1:3 in 1st, 2nd and 3rd year respectively, if otherwise found to be eligible to participate with the approval of the OSCSC Head Office.

The inheritor or purchaser of any defaulting rice mill shall be required to furnish an affidavit duly notarized, to the effect that he/she is not related to the defaulting miller in case of a proprietorship firm, or to any of the partners of the defaulting mill in case of a partnership firm, or to any other directors in case of a limited liability company. The said declaration shall form an integral part of the documentation for consideration of such inheritor or purchaser for engagement under OSCSC Ltd. Any concealment or misrepresentation in the declaration shall render the engagement null and void, without prejudice to any other legal action that may be initiated by OSCSC Ltd.”

3. It is submitted that the authorities by relying on paragraph 19.5 as quoted above, have not allowed the petitioner miller to procure paddy, purportedly on the ground that the land which has been taken on lease by the petitioner-firm from Industrial Development Corporation of Odisha Limited, a statutory Corporation



of the State owning the land, was earlier taken on lease by another miller, namely, M/s Maa Mangala Food Processors Pvt. Ltd. which has some amount due to be paid to the Corporation as it is contended by the Corporation. Further, reason for denial is that another miller earlier had also defaulted in paying the dues of Civil Supplies Corporation.

4. It is submitted regarding the whatever may be the earlier dues the petitioner miller has no proximate relationship much less any liability to pay.

5. Learned counsel for the petitioner refers to the earlier orders passed by the Coordinate Bench in similar facts and circumstances, wherein notices have been issued directing to file counter affidavit and also interim orders have been passed.

6. Issue notice along with this order.

Learned Addl. Standing Counsel upon advance copy served appears on behalf of the Opp. Party Nos.1 & 2 and waives notice. No further notice be issued to the Opp. Party Nos.1 & 2.

Notice be issued to the Opp. Party Nos.3, 4 and 5 by Speed Post with registration and proof of delivery. Requisites shall be filed within five working days. Returnable date be fixed to 23.04.2026.

7. Counter affidavit, if any, be filed by the Opp. Parties by the next date serving a copy thereof to the learned counsel for the petitioner.



I.A. No.5665 of 2026

8. Heard learned counsel for the petitioner.

He reiterates his submissions as noted above.

9. Issue notice as above.

Extra copies be served on learned ASC.

Accept one set of process fee as well as postal requisites along with the writ application for issuance of notice to Opp. Parties No.3, 4 and 5.

10. It is submitted by the learned counsel for the petitioner that in view of the earlier interim order passed by the Coordinate Bench in similar facts and circumstances, the same interim order may be passed.

11. As an interim measure, it is directed that the petitioner-Partnership Firm shall be allowed to participate in the paddy procurement for Khariff Marketing Season (KMS) 2025-26 in the district of Balasore and any other districts, if he has been assigned by the authorities without being impeded by the dues as alleged to be paid by M/s Maa Mangala Food Processors Pvt. Ltd. or any other similar dues of other miller which have been indicated by the Corporation in their letter dated 02.01.2026 enclosing the calculation sheet (Annexure-18).

12. The matter shall be listed in the week commencing 04.05.2026.

Liberty to mention.

13. The Parties to act upon the copy of the order obtained from the official website of this Court.



Urgent certified copy be issued as per Rules.

(Mruganka Sekhar Sahoo)
Judge

Rajesh