


**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

(1) S.B. Civil Writ Petition No. 18543/2022

Amar Chand Khatik

----Petitioner

Versus

Cotton Corporation Of India & Anr

----Respondent

Connected With

2. S.B. Civil Writ Petition No. 18589/2022
3. S.B. Civil Writ Petition No. 18601/2022
4. S.B. Civil Writ Petition No. 18615/2022
5. S.B. Civil Writ Petition No. 18616/2022
6. S.B. Civil Writ Petition No. 18651/2022
7. S.B. Civil Writ Petition No. 18652/2022
8. S.B. Civil Writ Petition No. 18675/2022
9. S.B. Civil Writ Petition No. 18678/2022
10. S.B. Civil Writ Petition No. 18901/2022
11. S.B. Civil Writ Petition No. 18908/2022
12. S.B. Civil Writ Petition No. 18930/2022
13. S.B. Civil Writ Petition No. 18933/2022
14. S.B. Civil Writ Petition No. 18943/2022
15. S.B. Civil Writ Petition No. 18962/2022
16. S.B. Civil Writ Petition No. 19384/2022
17. S.B. Civil Writ Petition No. 402/2023

For Petitioner(s) : Mr. P.S. Chundawat

For Respondent(s) : Mr. Vijay Kumar Agarwal

JUSTICE DINESH MEHTA

Order

10/01/2025

1. These matters have come up for consideration of applications under Article 226(3) of the Constitution of India preferred by the respondent – Cotton Corporation of India (hereinafter referred to

as 'the Corporation') seeking vacation of interim order(s) dated 09.12.2022, 15.12.2022, 21.12.2022 and 01.06.2023.

2. Mr. Chundawat, learned counsel for the petitioners argued that the recovery, which have been initiated against the petitioners is based upon the Circular dated 04.04.2016 and no proceedings as provided under rules 23 and 27 of the Cotton Corporation of India (Employees Conduct, Discipline and Appeal) Rules, 1975 (hereinafter referred to as 'the Rules of 1975') has been adopted.

3. Learned counsel submitted that the weight loss or weight gain in the pressed cotton bales may arise on account of various factors, major contributor being moisture contents. He argued that while issuing the Circular dated 04.04.2016, the respondent – Corporation has not conducted any scientific study and has cursorily issued direction to recover the amount from the Center Incharge/Ginning Pressing Factories, simply by observing that if there is difference of 5 quintals or more in a lot of 100 bales between press weight and delivery weight, then recovery be made.

4. Mr. Vijay Kumar Agarwal, learned counsel for the respondent – Corporation raised a preliminary objection that the petitioners are having efficacious remedy of appeal as given under the Rules of 1975 and while relying upon the judgment passed by the Punjab & Haryana High Court, he prayed that the petitioners be relegated to avail remedy of appeal.

5. It was also pointed out that the Circular was issued on 04.04.2016 and there is no challenge to such Circular. He argued

that petitioners cannot raise any grievance qua the orders based on such circulars.

6. Learned counsel submitted that the norms fixed by the respondent – Corporation is better than the MCX (Multi Commodity Exchange) and therefore, no interference be granted to the petitioners.

7. Learned counsel for the petitioners in rejoinder, invited Court's attention towards various proceedings which are under consideration of the respondent – Corporation and highlighted that the matter has been referred to Central Institute For Research On Cotton Technology (CIRCOT), which would undertake scientific studies in relation to moisture content of the cotton throughout the country based on the geographical and weather conditions. He prayed that the respondents be asked not to pursue any recovery proceedings, unless the report is furnished by CIRCOT and appropriate decision is taken by the Corporation.

8. Learned counsel for the petitioner contended that simply because of loss in weight of cotton bales, recovery cannot be effected unless there is allegation of pilferage or theft. He argued that the recovery orders do not contain any such allegation and the recovery has been based solely on the basis of Circular dated 04.04.2016.

9. In relation to judgment passed by Punjab & Haryana High Court, learned counsel for the petitioner contended that neither the show cause notice nor does the orders impugned make reference of any of the provision of the Rules of 1975, much less Rules 23 and 27, and therefore, the argument of learned counsel

for the respondent – Corporation that the petitioners should avail remedy of appeal is untenable.

10. Having regard to the overall facts and circumstances of the case and considering the arguments of Mr. Chundawat and because the recovery is being affected against number of Center Incharge/Ginning Pressing Factories and that the report of CIRCOT is awaited, this Court does not find any reason to vacate the interim order(s) passed by this Court.

11. Accordingly, all the applications under Article 226(3) of the Constitution of India seeking vacation of interim orders are rejected.

12. Admit. Issue notice.

13. Mr. Vijay Kumar accepts notice on behalf of the respondents.

14. The interim orders dated 09.12.2022; 15.12.2022; 21.12.2022 and 01.06.2023 in respective writ petitions are confirmed to last till disposal of the writ petitions.

15. All the stay applications **(Stay Application Nos. 18932/2022, 18980/2022, 19046/2022, 19008/2022, 19342/2022, 19335/2022, 19333/2022, 19070/2022, 19073/2022, 19047/2022, 19010/2022, 18993/2022, 19305/2022, 19785/2022, 19358/2022, 19309/2022 and 406/2023)** stand disposed of, accordingly.

16. List these cases for hearing in the month July, 2025.

(DINESH MEHTA),J