



CGHC010025142022



2026:CGHC:41104

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 561 of 2022

Order Reserved on 13.08.2026

Order Passed on 22.09.2026

1 - M/s Agrawal Oil Agency, Bagbahara Through Its Partner Rupesh Agrawal, S/o Late Shri V.S. Agrawal, Aged About 47 Years, R/o Ward No. 11, Subhash Marg, Bagbahara, P.S. And Tahsil Bagbahara, District Mahasamund Chhattisgarh (M/s Agrawal Oil Agency Is A Registered Firm Under The Provisions Of Firm And Societies Registration Act.

... Petitioner

Versus

1 - The State of Chhattisgarh Through The Secretary, Department Of Food, Mahanadi Bhawan, Mantralaya, Naya Raipur, P.S. Naya Raipur, Tahsil And District Raipur Chhattisgarh.

2 - The Collector, Mahasamund, Collectorate Campus, Tahsil And District Mahasamund Chhattisgarh

3 - The District Food Officer, Collectorate Campus, Mahasamund, P.S. Mahasamund, Tahsil And District Mahasamund Chhattisgarh.

4 - The Indian Oil Corporation Limited, Through The Senior Divisional Manager, Divisional Office, V.I.P. Road, Aerodrome Road, Raipur, P.S. Mana, Tahsil And District Raipur Chhattisgarh.

... Respondents

(Cause title is downloaded from CIS Periphery.)

For Petitioner	:	Mr. S.C. Verma, Sr. Advocate along with Mr. Rajat Agrawal, Advocate.
For State	:	Mr. R.K. Gupta, Additional A.G.
For Respondent No. 4	:	Mr. Anand Shukla, Advocate

Hon'ble Mr. Justice Amitendra Kishore Prasad

C.A.V. Order

1. The petitioner has filed the present petition questioning the inaction and wilful omission on the part of the State authorities in complying with the order passed by this Court in W.P.(C) No. 204 of 2016 dated 31.07.2017. By the said order, this Court set aside the impugned order passed in the said writ petition and remanded the matter to the issuing authority, namely the Collector (Respondent No. 2), for consideration afresh and for passing an appropriate order after affording the petitioner a proper and adequate opportunity of hearing.
2. Briefly stated, the facts of the case are that the petitioner-firm has been engaged in the business of Kerosene Oil since the year 1970. Till the year 2013, there had been no allegation whatsoever against the petitioner regarding violation of any Rules, Regulations, or other statutory provisions. In the years 2013 and 2014, the Government changed its policy relating to the supply and transportation of Kerosene Oil, pursuant to which the quota allotted to the petitioner-firm was also substantially reduced. Aggrieved by the said action, the petitioner-firm preferred W.P.(C) No. 818 of 2014 before this Court. It is the case of the petitioner that, on account of the said litigation, the respondent authorities developed a grudge against the petitioner and, with a view to harass the petitioner, made attempts to implicate the petitioner in

a criminal case. Thereafter, the petitioner preferred another writ petition, being W.P.(C) No. 204 of 2016, challenging the order dated 30.11.2015 passed by the Commissioner, Raipur Division, whereby the Commissioner affirmed the order passed by the Collector, Mahasamund, suspending the petitioner's Kerosene Oil dealership and directing forfeiture of the amount deposited by the petitioner in favour of the Government. In the said writ petition, this Court, vide order dated 31.07.2017, set aside the orders passed by the Commissioner as well as the Collector and remanded the matter to the Collector with a direction to consider the matter afresh and pass an appropriate order after affording the petitioner due and adequate opportunity of hearing. Pursuant to the aforesaid order, the concerned Collector heard the matter afresh and an order sheet dated 05.07.2018 came to be prepared. However, the petitioner was not supplied with a certified copy of the final order purportedly passed in the matter. Consequently, the petitioner was constrained to approach this Court by filing W.P.(C) No. 1766 of 2021. In the said writ petition, this Court directed the concerned Collector to furnish to the petitioner the order passed in Case No. 117/B-121/2014-15, titled M/s Agrawal Oil Agency Vs. State of Chhattisgarh, within a further period of 30 days. Pursuant to the said direction, a copy of the purported order was supplied to the petitioner. It is the specific grievance of the petitioner that, on 04.06.2021, the authorities supplied an undated and unsigned communication referring to an alleged order of the Collector,

Mahasamund (C.G.). Although the said order is stated to have been passed on 13.07.2018, the document supplied to the petitioner neither bears any date nor contains the signature of the concerned Collector. Therefore, the said document cannot, in the absence of the essential attributes of a duly authenticated judicial/administrative order, be treated as a valid and effective order passed by the competent authority. The grievance of the petitioner is that, despite the specific direction issued by this Court to afford the petitioner an opportunity of hearing and thereafter pass an appropriate order, the authorities have failed to furnish an authentic and duly executed copy of the order purportedly passed by the Collector. The document supplied to the petitioner is admittedly undated and unsigned and, therefore, cannot be treated as a valid order in the eyes of law. It is in these circumstances that the petitioner has been constrained to approach this Court by filing the present petition, seeking the following reliefs:-

“10.1 That, this Hon'ble Court may be kind enough in issuing a writ in the nature of mandamus, certiorari or likewise any other appropriate writ, order or commands, commanding and directing the respondents to place the complete record related with the case of the petitioner (Case number mentioned in Annexure) for just and proper decision of the case.

10.2 That, this Hon'ble Court may be kind enough in issuing a writ in the nature of mandamus, certiorari or likewise any other appropriate writ, order or commands, commanding the respondent authority to quash Annexure P/1 by invoking the jurisdiction under Article 226 of the Constitution of India and allow the petitioner to run its kerosene business with immediate effect.

10.3 That, this Hon'ble Court may be kind enough in issuing a writ in the nature of mandamus, certiorari or likewise any other appropriate writ, order or commands, commanding and directing the respondents direct all the legal action against the person who have not discharge their responsibility as per the provisions and requirements of the law of the land.

10.4 That this Hon'ble Court may be kind enough in issuing a writ in the nature of mandamus, certiorari or likewise any other appropriate writ, order or commands, commanding and directing the respondents to compensate the petitioner for all the loses occurs from the year 2013 till decision of the case.

10.5 That this Hon'ble Court may be kind enough in issuing a writ in the nature of mandamus, certiorari or likewise any other appropriate writ, order or commands, commanding and directing the respondents issue contempt against the erring officer for harassing the petitioner through out the years for unlawfully using their powers and authority as prescribed by the law and compensate the petitioner from their own pocket for wrongfully exhausting their authoritative powers.

10.6 That this Hon'ble Court may be kind enough in issuing a writ in the nature of mandamus, certiorari or likewise any other appropriate writ, order or commands, commanding and directing the respondents to return all the confiscated item of the petitioner firm without any delay.

10.7 Any other relief, That, this Hon'ble Court may be kind enough in issuing a writ in the nature of mandamus, certiorari or likewise any other appropriate writ, order or commands, commanding or directing the respondents which the Hon'ble Court deems fit and proper looking to the facts and circumstances of the case, may also be granted."

3. Mr. S.C. Verma, learned Senior Advocate, assisted by Mr. Rajat Agrawal, learned counsel for the petitioner, submits that the respondent Collector has committed a serious error of law in furnishing to the petitioner a purported copy of the order which is neither dated nor signed by the competent authority and, therefore, the copy supplied pursuant to the direction issued by this Court in W.P.(C) No. 1766 of 2021 cannot, in the absence of the date and signature of the concerned Collector, be treated as a

valid and duly authenticated order and is wholly unsustainable in the eyes of law. He next submits that the respondent authorities have acted illegally and arbitrarily in furnishing an undated and unsigned order, particularly when the petitioner was not afforded an effective and adequate opportunity of hearing in the proceedings, and their conduct demonstrates that the petitioner has been sought to be proceeded against by adopting a course of action which has effectively curtailed his statutory and legal right to challenge the said order before the appropriate forum. He also submits that had the purported order contained the date and signature of the competent authority, the petitioner would have been in a position to ascertain the date of its passing and avail the appropriate remedy in accordance with law, but by supplying an undated and unsigned document, the authorities have deprived the petitioner of a meaningful opportunity to challenge the said order, which, therefore, cannot be regarded as a valid and enforceable order passed by the competent authority; he further submits that the purported order cannot be treated as a valid order within the meaning of the provisions of the Essential Commodities Act, 1955 as well as the applicable provisions of the Indian Evidence Act, 1872, as the same, being neither dated nor signed, lacks the essential attributes of a duly authenticated order and cannot be acted upon to the prejudice of the petitioner. He also contends that the allegations levelled against the petitioner by Respondent No. 2/Collector, Mahasamund (C.G.), cannot be

relied upon for sustaining the impugned action, particularly when the petitioner has already been acquitted in the criminal proceedings arising out of the allegations in question and the charges levelled against him were not found proved by the competent Criminal Courts. He further contends that the conduct of the respondent authorities gives rise to a reasonable apprehension that, notwithstanding the acquittal of the petitioner in the criminal proceedings, the authorities have sought to proceed against him with a view to harass him; and, therefore, the purported order, being undated, unsigned and having been passed without affording the petitioner an effective opportunity of hearing, is illegal, arbitrary, contrary to the principles of natural justice and liable to be set aside.

He places reliance upon the decisions of the Hon'ble Supreme Court in the matters of **The A.P. State Road Transport Corporation, Hyderabad and Another v. Sri Satyanarayana Transports (Private) Ltd., Guntur and Others**, reported in **AIR 1965 SC 1303**; **SRK Enterprises v. Assistant Commissioner (ST) and Others**, reported in **(2024) 123 GSTR 436 : 2023 SCC OnLine AP 4465**; and **Ramani Suchit Malushte v. Union of India and Others**, reported in **2022 SCC OnLine Bom 11856**, as well as the judgment rendered by the High Court of Kerala at Ernakulam in **M/s. Fortune Service v. Union of India and Others**, passed in **W.P.(C) No. 20656 of 2024** and other connected matters.

4. *Ex adverso*, learned counsel appearing for the State, while filing the return, has denied the allegations made by the petitioner and submits that the non-mentioning of the date and omission to append the signature on the order may, at the highest, amount to a procedural irregularity and cannot be termed as an illegality or arbitrariness so as to vitiate the order itself. He next submits that the impugned order is a valid order and cannot be regarded as an illegal or non-existent order, and, at best, the omission committed by the concerned authority in not mentioning the date or affixing the signature is a curable defect which can be rectified in accordance with law. He also submits that the order-sheet clearly records the dismissal of the petition and specifically mentions that the detailed order would be passed separately, which itself indicates that the competent authority had taken a decision and that a separate order had in fact been passed, though the same remained unsigned due to inadvertence, and such omission by itself would not render the order illegal or vitiate the decision taken therein; he further submits that the petitioner ought to have assailed the said order before the appropriate higher forum instead of filing the present petition, and, therefore, no relief can be granted to the petitioner in the present proceedings. He further submits that the issue involved in the present petition stands settled by the Hon'ble Supreme Court in the matter of **Iqbal Ismail Sodawala v. The State of Maharashtra and Others**, reported in **AIR 1974 SC 1880**, and **Vinod Kumar Singh v. Banaras Hindu**

University, reported in **AIR 1988 SC 371**, wherein it has been held that failure to append a signature to a judgment may constitute a procedural irregularity but would not, by itself, vitiate the findings recorded therein. He next submits that there is neither any *mala fide* nor any malicious intention on the part of the authorities, as the omission to append the signature or affix the seal on the order occurred inadvertently and was merely an accidental or procedural lapse. He lastly submits that in view of the aforesaid facts and the settled position of law, the present petition, being devoid of merit, deserves to be dismissed.

5. Having heard learned counsel for the parties and upon perusal of the record, it appears that, though in the order-sheet dated 13.07.2018 passed by the concerned Collector, Mahasamund (C.G.), it has been categorically recorded that the matter was heard and dismissed and that the proceedings were directed to be closed with the records being consigned to the record room, however, the purported order, on its perusal, does not bear the relevant Revenue Case Number, the date of its passing, or the signature of the Presiding Officer, i.e. the Collector, Mahasamund (C.G.). In view of the aforesaid deficiencies, the judgments relied upon by learned counsel appearing for the State cannot be said to be applicable to the facts and circumstances of the present case. The purported order, being undated and unsigned, does not bear any authentication of the concerned Collector. It is also significant that the Collector, Mahasamund (C.G.), has not filed any affidavit

before this Court stating that the said order was duly passed by him and that the omission to mention the date, Revenue Case Number and, most importantly, to append his signature occurred inadvertently or due to any clerical or procedural mistake. In the absence of any such authentication or explanation from the competent authority, the purported order cannot be treated as a valid and duly passed order. Except for the order-sheet dated 13.07.2018, which merely records that the matter stood dismissed, there is nothing on record to establish the authenticity or validity of the undated and unsigned order relied upon by the respondents. Accordingly, the said document cannot be treated as a valid and enforceable order in the eyes of law.

6. The Hon'ble Supreme Court in the matter of **Ramani Suchit Malushte** (Supra) has considered this aspect vide para 8 which reads as under:-

“8. Thus, the limitation period for filing the appeal against the order of cancellation of registration dated 14th November, 2019 never began because the order was not signed in accordance with the Rules. Alternatively, the limitation period began only from May 19, 2021 which is the date on which the signature of respondent No. 4 was put on the order for the purposes of ‘attestation’. The order of cancellation of registration dated November 14, 2019 as well as the first appeal order dated August

4, 2021 are therefore liable to be quashed and set aside.”

7. The High Court of Kerala at Ernakulam in the matter of **M/s. Fortune Service** (Supra) made following observations in para 3 of its order which reads as thus:-

“3. In the light of the above, these writ petitions are allowed by quashing the impugned orders and making it clear that it will be open to the competent among the respondents in all these cases to upload fresh orders by affixing digital signatures or by serving a copy of the order after affixing manual signature. Since it is possible that in several of the cases, there may have been a change of officer, who passed the original order, I make it clear that, fresh orders shall be passed by the competent officer presently in office, after affording a fresh opportunity of hearing to the petitioners in these cases. It is made clear that none of the orders directed to be issued in the terms of this judgment shall be questioned on the ground that they are issued beyond the period of limitation and it will be deemed for all purposes that the fresh orders will relate back to the date on which the original orders (which have been set aside) have been issued.

8. In the light of the aforesaid judgments and having regard to the nature of the dispute involved in the present writ petition, this Court is of the considered view that the undated and unsigned document supplied by the respondents cannot be regarded as a valid order passed by the competent authority. Accordingly, the

undated and unsigned purported order passed by the Collector, Mahasamund, is hereby quashed. The matter is remanded back to the concerned Collector, Mahasamund, to consider the case afresh and pass an appropriate order strictly in accordance with law, as this Court is unable to treat the aforesaid undated and unsigned document as a valid order so as to adjudicate the matter on its merits. Accordingly, the writ petition stands **allowed** with the aforesaid directions. The parties are directed to appear before the Collector, Mahasamund, who shall re-open the proceedings in **Revenue Case No. 117/B-121/2014-15** and hear the matter afresh in accordance with law, after affording due and effective opportunity of hearing to all the concerned parties. Thereafter, the Collector shall pass a speaking and reasoned order, dealing with all the relevant facts, issues and contentions involved in the matter, in accordance with law.

Sd/-
(Amitendra Kishore Prasad)
Judge

U.K. Raju

The date when the judgment is reserved	The date when the judgment is pronounced	The date when the judgment is uploaded on the website	
		Operative	Full
13.08.2026	22.09.2026.	--	22.09.2026