



CGHC010304702026



2026:CGHC:38766-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 800 of 2026

Dushyant Prakash Nag S/o Shri Atma Ram Nag Aged About 29 Years
R/o M.No. 02, N.H. 30 Main Road Chinouri Ward No. 1, Gram Chinouri,
District- Utter Baster Kanker (C.G.)

... Appellant(s)

versus

1. State of Chhattisgarh Through Secretary, Chhattisgarh State Backward Class Commission Shahid Bhagat Singh Chowk, Shanker Nagar, Road Raipur (C.G.)
2. The Collector, Durg Distt- Durg (C.G.)
3. Kamla Motors Through Its Proprietor Kailash Barmecha, Aged About 51 Years S/o Shri Prakash Chand R/o Digamber Jain Mandir Road, Gandhi Chowk Durg (C.G.)

...Respondent(s)

(Cause-title taken from Case Information System)

For Appellant	:	Mr. Vinod K. Sharma, Advocate.
For Respondent/State	:	Mr. Priyank Rathi, Government Advocate.
For Respondent No. 3	:	Mr. B.L. Dembra and Mr. C.R. Sahu, Advocates.

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge
Judgment on Board

Per Ramesh Sinha, Chief Justice

02.09.2026

1. Heard Mr. Vinod K. Sharma, learned counsel for the appellant. Also heard Mr. Priyank Rathi, learned Government Advocate, appearing for the State/respondents No.1 and 2, and Mr. B.L. Dembra and Mr. C.R. Sahu, learned counsel appearing for respondent No.3.

2. The present intra-Court appeal has been preferred by the appellant assailing the order dated **17.06.2026** passed by the learned Single Judge in **WPC No.598 of 2023 (*Kamla Motors vs. State of Chhattisgarh & Others*)**, whereby the writ petition preferred by respondent No.3/writ petitioner herein was allowed and the proceedings of the Chhattisgarh State Backward Class Commission were quashed.

3. Learned counsel appearing for the appellant submits that the appellant is a citizen of India and is entitled to the fundamental rights guaranteed under Part III of the Constitution of India.

4. It is further submitted by learned counsel for the appellant that an agreement was entered into between the appellant and the private respondent No.3 for purchase of a Preet Harvester Machine, Model No.4949, for a total consideration of Rs.21,00,000/-. An advance amount of Rs.30,000/- was paid on 31.07.2020 and the remaining

amount of Rs.20,70,000/- was thereafter paid through three demand drafts bearing Nos.048441, 048442 and 048443, all dated 09.09.2020. Despite receipt of the entire sale consideration, the booked harvester was not delivered. The appellant was initially assured that the machine would be delivered on 18.09.2020, and thereafter on 25.09.2020 and 05.10.2020. Ultimately, on 22.10.2020, instead of the booked Harvester Model No.4949, 76 HP, documents relating to another model were handed over to the appellant. It was informed that the booked model could not be supplied for the agreed consideration of Rs.21,00,000/-.

5. Aggrieved by the aforesaid circumstances, the appellant approached City Kotwali, Durg. It is further submitted that, when no effective action was taken, the appellant was allegedly assaulted by Shri Yuvraj Deshmukh for the purpose of forcing a compromise, whereafter the appellant approached the Chhattisgarh State Backward Class Commission, Raipur.

6. Upon consideration of the statements and documents placed before it, the Commission found that the delay in delivery of the booked harvester and the supply of a different model had caused loss to the appellant in his agricultural activities. The Commission, after considering the matter in its meeting, recommended that the compensation claimed by the appellant be recovered from respondent No.3 and paid to the appellant. It further recommended that the Collector, District Durg, be requested to take necessary steps for recovery of the recommended amount from respondent No.3, Shri Kailash Barmecha, and for payment

thereof to the appellant, Shri Dushyant Prakash Nag.

7. The principal submission of learned counsel for the appellant is that the learned Single Judge failed to appreciate the true nature and character of the decision rendered by the Commission. According to the appellant, the Commission had not passed any adjudicatory or executable order directing recovery of money. The decision was expressly in the nature of a recommendation and the Commission had merely recommended that the concerned authority take necessary steps for recovery and payment of the amount. It is further contended that, while holding that the Commission possesses only recommendatory powers, the learned Single Judge ought to have appreciated that the Commission had, in fact, exercised only such recommendatory jurisdiction.

8. Learned counsel for the appellant would further submit that even assuming that any part of the recommendation travelled beyond the permissible scope of the Commission's jurisdiction, the same could have been suitably modified or the matter could have been remitted to the Commission for reconsideration in accordance with law. According to him, there was no justification for quashing the entire decision of the Commission on that account.

9. *Per contra*, learned Government Advocate appearing for the State/respondents No.1 and 2 supports the order passed by the learned Single Judge and submits that the Commission is vested with advisory and recommendatory functions under the Chhattisgarh State Backward

Classes Commission Adhiniyam, 1995. It is contended that the Commission cannot adjudicate upon a private commercial dispute or issue a direction for recovery of money, as such power is not conferred upon it by the statute.

10. Learned counsel appearing for respondent No.3/writ petitioner also supports the impugned order. It is submitted that the dispute between the parties arose out of a commercial transaction relating to purchase of a harvester machine and that the Commission travelled beyond its statutory jurisdiction in directing recovery of a quantified amount from respondent No.3 and payment thereof to the appellant. It is contended that the learned Single Judge has rightly interfered with the proceedings of the Commission and no ground for interference in the present intra-Court appeal is made out.

11. We have heard learned counsel for the parties and perused the material available on record, including the order passed by the learned Single Judge.

12. The principal issue which arises for consideration in the present appeal is as to whether the Chhattisgarh State Backward Classes Commission, while exercising its powers under the Chhattisgarh State Backward Classes Commission Adhiniyam, 1995, could have directed recovery of a specified amount from respondent No.3 and payment thereof to the appellant in respect of a dispute arising out of a commercial transaction between the parties.

13. The learned Single Judge has examined the statutory scheme

governing the Commission and, in particular, Section 9 of the Adhiniyam, 1995. From the said provision, it is apparent that the functions of the Commission are essentially advisory and recommendatory in nature. The Commission is empowered, inter alia, to oversee and safeguard the interests and rights of members of the backward classes, to monitor the implementation of welfare programmes, to tender advice to the State Government and to perform such other functions as may be assigned to it by the State Government.

14. The learned Single Judge has rightly noticed that the statutory scheme does not confer upon the Commission the jurisdiction to adjudicate upon a private commercial dispute and to pass an executable order directing one private party to pay a quantified sum of money to another. The fact that the Commission may exercise certain powers for the purpose of conducting an inquiry does not confer upon it the status or jurisdiction of a Civil Court.

15. The legal position in this regard is also settled by the judgment of the Hon'ble Supreme Court in ***All India Indian Overseas Bank Scheduled Castes and Scheduled Tribes Employees Welfare Association vs. Union of India***, reported in ***(1996) 6 SCC 606***, wherein it has been held that the conferment of certain powers of a Civil Court upon a Commission for the purpose of investigation or inquiry does not convert the Commission into a Civil Court. Such powers are intended to facilitate the inquiry and do not confer upon the Commission the power to adjudicate upon rights and liabilities in the manner of a

Civil Court.

16. In the case at hand, the dispute before the Commission arose from the alleged non-delivery of a harvester machine and the alleged supply of a different model pursuant to a commercial transaction between the parties. The Commission, instead of confining itself to its recommendatory functions, directed that a specified amount be recovered from respondent No.3 and paid to the appellant through the Collector. Such a direction, in substance, determines a monetary liability of one private party towards another and directs its recovery.

17. Merely describing the decision as a recommendation would not, by itself, alter the substantive character of the direction issued by the Commission. The nature of an order has to be gathered from its substance and effect. Where the Commission determines a quantified monetary liability and directs the competent authority to recover the same from one private party and pay it to another, the direction partakes of the character of an adjudicatory and executable order, which is beyond the statutory functions of the Commission.

18. The contention that the learned Single Judge ought to have modified the impugned proceedings instead of quashing them in their entirety also does not persuade us. Once the Commission is found to have acted beyond the jurisdiction conferred upon it by the statute, the learned Single Judge was justified in setting aside the proceedings impugned before him. No jurisdictional error or perversity has been demonstrated in the order under appeal warranting interference by this

Court in exercise of its intra-Court appellate jurisdiction.

19. The fact that the Commission had considered the statements and documents placed before it does not advance the case of the appellant. The question is not whether the Commission had conducted an inquiry into the grievance, but whether, after such inquiry, it possessed the statutory authority to determine and enforce a monetary liability arising out of a private commercial transaction. In our considered view, the Commission did not possess such jurisdiction.

20. We are, therefore, of the considered opinion that the learned Single Judge has correctly appreciated the statutory scheme and has rightly held that the Commission exceeded the limits of its jurisdiction in directing recovery of the amount from respondent No.3. The impugned order dated 17.06.2026 does not suffer from any illegality, perversity or jurisdictional infirmity warranting interference by this Court.

21. Consequently, the present writ appeal, being devoid of merit, is **dismissed**. The order dated 17.06.2026 passed by the learned Single Judge in WPC No.598 of 2023 is affirmed.

22. There shall be no order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice