

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2162 of 1990

M/S Dalmia Industries Ltd carrying on business under the name and style of Dalmia Dairy Industries having its Registered office at Ghana Bewar Bypass Road, Bharatpur, in the State of Rajasthan and an existing Co. within the meaning of the Companies Act, 1956.

2. Pawan Kumar Jhunhunwala, son of I. P. Jhunhunwala, residing in 56A, Lake New Road, Calcutta.

.... .... Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Department of Agriculture, Government of Bihar, New Secretariat, Patna.
2. The Secretary, Agricultural Produce Market Committee, Mussalahpur, Patna, District- Patna.
3. The Bihar Agricultural Marketing Board, Mussalahpur, Patna, District Patna.

.... .... Respondent/s

with

Civil Writ Jurisdiction Case No. 5799 of 1988

Sri Prakash Singh, son of late Rameshwar Singh carrying business under the name and style of Patliputra Cands as sole proprietor thereof at Kishore Bhawan, Nawal Kishore Road, Kadamkuan, Patna 800003, P.S. Kadamkuan, District-Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Department of Agriculture, Government of Bihar, New Secretariat, Patna.
2. The Secretary, Agricultural Produce Market Committee, Mussalahpur, Patna, District- Patna.
3. The Bihar Agricultural Marketing Board, Mussalahpur, Patna, District Patna.

..... Respondents.

4. Food Specialties Limited having its Registered Office at M-5A, Connaught Circus, New Delhi-110001

.... .... Proforma Respondent/s

4.

with

Civil Writ Jurisdiction Case No. 8670 of 1996

Sri Prakash Singh, son of late Rameshwar Singh carrying business under the name and style of Patliputra Cands as sole proprietor thereof at Kishore Bhawan, Nawal Kishore Rood, Kadamkuan, Patna 800003, P.S. Kadamkuan, District-Patna

.... .... Petitioner/s

Versus

1. State of Bihar
2. Secretary, Department of Agricultural, Government of Bihar, New Secretariat,

Patna.

3. Bihar Agricultural Marketing Board a body corporate having its office at Pant Bhawan Boring Road, Patna 800001.
4. Secretary, Bihar Agricultural Marketing Board, Boring Canal Road, Patna.
5. Managing Director, Bihar Agricultural Marketing Board Boring Canal Road, Patna.
6. Krishi Utpadan Bazaar Samity, Patna City, Statutory authority through its Secretary situated at Mohalla Alamganj, P.S. Alamganj, Town and District-Patna
7. Secretary Krishi Utpadan Bazar Samity, Patna City Mohalla Alamganj, P.S. Alamganj, Town and District-Patna
8. Krishi Utpadan Bazar Samity, Musallahpur, statutory authority through its Secretary situated at Mohalla Musallahpur, P.S. Sultanganj Town and District-Patna
9. Secretary Krishi Utpadan Bazar Samiti, Mussallahpur, P.S. Sultanganj, Town and District-Patna ..... Respondents.
10. Nestle India Limited a Company within the meaning of Companies Act, 1956 having its registered office at M/S Connaught Circus, New Delhi, 110001.

.... .... Proforma Respondent/s

with

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**Civil Writ Jurisdiction Case No. 5436 of 1989**

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1. M/S Gujarat Co-operative Milk Marketing Federation Limited, carrying on business inter-alia at 'Ashok Vanam' C-1 Shrikrishnapuri, P.S. Shrikrishnapuri, Boring Canal Road, Patna, District Patna.
2. S. Mahadevan son of C. Subramanian, at present Depot In-charge, Gujarat Co-operative Milk Marketing Federation Ltd. having office at C-1 Shrikrishnapuri, P.S Shrikrishnapuri, Boring Canal Road, Patna, District- Patna.

.... .... Petitioner/s

Versus

1. The Krishi Utpadan Bazar Samiti, Mussallahpur, a statutory authority through its Secretary situated at Mohalla Mussallahpur, P.S. Sultanganj, Town and District of Patna.
2. The Secretary, the Krishi Utpadan Bazar Samiti, Mussallahpur, P.S. Sultanganj, Town and District of Patna
3. The Bihar State Agriculture Produce Marketing Board, Boring Canal Road, Patna.
4. The State of Bihar

.... .... Respondent/s

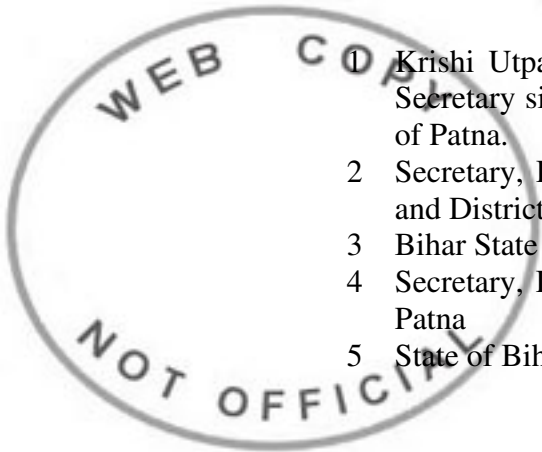
with

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**Civil Writ Jurisdiction Case No. 1740 of 1996**

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1. Gujrat Co-operative Milk Marketing Federation Limited, carrying on business inter-alia at 'Ashok Vanam' C-1 Shrikrishnapuri, Boring Canal Road, District and Town Patna.
2. Dhiraj Mani Hazarika, at present Deputy Manager Sales, Gujrat Co-operative Milk Marketing Federation Ltd. "Ashok Vanam" C-1 Shrikrishnapuri, Boring Canal Road, District and Town Patna



.... .... Petitioner/s

Versus

- 1. Krishi Utpadan Bazar Samiti, Mussallahpur, a statutory authority through its Secretary situated at Mohalla Mussallahpur, P.S. Sultanganj, Town and District of Patna.
- 2. Secretary, Krishi Utpadan Bazar Samiti, Mussallahpur, P.S. Sultanganj, Town and District of Patna
- 3. Bihar State Agricultural Produce Marketing Board, Boring Canal Road, Patna.
- 4. Secretary, Department of Agriculture, Government of Bihar, New Secretariat, Patna
- 5. State of Bihar

.... .... Respondent/s

with

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**Civil Writ Jurisdiction Case No. 3868 of 2000**

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Shree Prakash Singh, son of late Rameshwar Singh, carrying on business under the name and style ‘Patliputra Cands’ as Sole Proprietor thereof at Dumri Kothi, Ashok Raj Path, Patna-800004.

.... .... Petitioner/s

Versus

- 1. The State of Bihar
- 2. Secretary, Department of Agricultural, Government of Bihar, New Secretariat, Patna.
- 3. Bihar Agricultural Marketing Board a body corporate having its office at Panth Bhawan Boring Canal Road, Patna 800001.
- 4. Secretary, Bihar Agricultural Marketing Board, Panth Bhawan, Boring Canal Road, Patna.
- 5. Managing Director, Bihar Agricultural Marketing Board, Panth Bhawan, Boring Canal Road, Patna.
- 6. Krishi Utpadan Bazar Samity, Patna City, Statutory authority through its Secretary situated at Mohalla Alamganj, P.S. Alamganj, Town and District- Patna
- 7. Secretary Krishi Utpadan Bazar Samiti, Patna City Mohalla Alamganj, P.S. Alamganj, Town and District- Patna
- 8. Krishi Utpadan Bazar Samiti, Musallahpur, statutory authority through its Secretary situated at Mohalla Musallahpur, P.S. Sultanganj Town and District- Patna
- 9. Secretary Krishi Utpadan Bazar Samiti, Mussallahpur, P.S. Sultanganj, Town and District- Patna ..... Respondents.
- 10. Nestle India Limited a Company within the meaning of Companies Act, 1956 having its registered office at M/S Connaught Circus, New Delhi, 110001.

.... ....Proforma Respondent/s

with

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**Civil Writ Jurisdiction Case No. 12399 of 1999**

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1. Gujrat Cooperative Milk Marketing Federation Limited carrying on business inter alia at 'Ashok Vanam' C-1 Srikrishnapuri, Boring Canal Road, District and Town Patna
2. Pradeep Kumar Rai, son of Abhay Nath Rai at present Depot in-charge, Gujrat Co-operative Milk Marketing Federation Limited, 'Ashok Vanam' C-1 Srikrishnapuri, Boring Canal Road, District and Town Patna.

.... .... Petitioner/s

Versus

1. Krishi Utpadan Bazar Samiti, Mussallahpur, Statutory authority through its Secretary situated at Mohalla Mussalahpur, P.S. Sultanganj, Town and District Patna.
2. Secretary, Krishi Utpadan Bazar Samiti, Ranchi
3. Bihar Agricultural Marketing Board, Pant Bhawan, Baily Road, Patna through its Managing Director
4. Managing Director, Bihar Agricultural Marketing Board, Pant Bhawan, Baily Road Patna.
5. Secretary, Department of Agriculture, Government of Bihar, New Secretariat, Patna
6. State of Bihar.

.... .... Respondent/s

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**Appearance :**

**(In CWJC No. 2162 of 1990)**

For the Petitioner/s : Mr. Chittaranjan Sinha, Sr. Advocate.  
Mr. S. Sanyal,  
Mr. Jayanta Ray Choudhary, Advocates.

For the Respondent/s : Mr. Ashok kumar keshri, AAG 11  
Mr. Rajiv Kumar Singh.

**(In CWJC No. 5799 of 1988)**

For the Petitioner/s : Mr. Chittaranjan Sinha, Sr. Advocate.  
Mr. S. Sanyal,  
Mr. Jayanta Ray Choudhary, Advocates.

For the Respondent/s : Mr. Punam Kumari Singh, AC to GP.4

**(In CWJC No. 8670 of 1996)**

For the Petitioner/s : Mr. Chittaranjan Sinha, Sr. Advocate.  
Mr. S. Sanyal,  
Mr. Jayanta Ray Choudhary, Advocates.

For the Respondent/s : Mr. BhashkarnShakar, AC to GP16

**(In CWJC No. 5436 of 1989)**

For the Petitioner/s : Mr. Chittaranjan Sinha, Sr. Advocate.  
Mr. S. Sanyal,  
Mr. Jayanta Ray Choudhary, Advocates.

For the Respondent/s : Mr. AC to GP.4

**(In CWJC No. 1740 of 1996)**

For the Petitioner/s : Mr. Chittaranjan Sinha, Sr. Advocate.  
Mr. S. Sanyal,  
Mr. Jayanta Ray Choudhary, Advocates.

For the Respondent/s : Mr. Dhananjay Kumar, AC to GP.16

MR.Rajeev Kumar Singh

(In CWJC No. 3868 of 2000)

For the Petitioner/s : Mr. Chittaranjan Sinha, Sr. Advocate.  
Mr. S. Sanyal,  
Mr. Jayanta Ray Choudhary, Advocates.

For the Respondent/s : Mr. Ashok Kumar Keshri, AAG 11,  
Mr. Rajiv Kumar Singh

(In CWJC No. 12399 of 1999)

For the Petitioner/s : Mr. Chittaranjan Sinha, Sr. Advocate.  
Mr. S. Sanyal,  
Mr. Jayanta Ray Choudhary, Advocates.

For the Respondent/s : Mr. Ashok Kumar Dubey, AC to AAG4

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**

**ORAL JUDGMENT**

**Date: 18-02-2015**

Heard the parties.

In the present writ petitions petitioners have claimed that they are not liable to pay the market fee in terms of the Bihar Agricultural Produce Markets Act, 1960 (hereinafter referred to as 'the Act').

The question has been raised that skimmed milk is not covered under the Market Act. The issue has already been decided in the case of Belsund Sugar Company Ltd. v. State of Bihar, reported in AIR 1999 SC 3125. Again the matter came up for consideration before Full Bench of Jharkhand High Court and the same has been decided in the case of M/s. Lipton India Ltd. V. State of Bihar and others, reported in AIR 2004 Jharkhand 34.

In such view of the matter, these writ petitions do not survive. Accordingly the same are disposed of.

Vinay/-

**(Shivaji Pandey, J)**

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