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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 7926 OF 2014

Mahadev s/o Tulshiram Ithape,
Age: 52 years, Occu: Agril. & Sarpanch,
R/o.: Chincholi, Tq. : Ashti,
Dist. : Beed

....PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Food, Civil Supplies, and
Consumer Protection Department,
Mantralaya, Mumbai-32
2. The Hon'ble Minister,
Food, Civil Supplies and Consumer
Protection Department,
Mantralaya, Mumbai-32
3. The Deputy Commissioner (Supply),
Aurangabad Division,
Aurangabad
4. The District Supply Officer,
Beed
5. Hausrao s/o Gabaji Babar,
Age: 70 years, Occu: Business,
R/o.: Chincholi, Tq. Ashti,
Dist. : Beed

....RESPONDENTS

Mr S. N. Gaikwad, Advocate for petitioner;
Mr A. P. Basarkar, Asstt. Govt. Pleader for respondent Nos. 1 to 4
Mrs M. A. Kulkarni, Advocate, holding for Mr A.M. Kulkarni, Advocate for
respondent No. 5

CORAM : N.W. SAMBRE, J.

DATE : 2nd December, 2015

ORAL ORDER :

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By the order impugned, dated 12th August, 2014, the Minister for Food and Civil Supplies, in exercise of powers under clause 24 of the Maharashtra Scheduled Commodities (Regularization and Distribution) Order, 1975, has imposed fine of Rs.5,000/- and set aside the orders dated 17th June, 2013 and 12th March, 2014, passed by District Supply Officer, Beed and Deputy Commissioner (Supply), Aurangabad, respectively.

2. It is the case of the petitioner that respondent no.5, a holder of fair price shop licence, has operated the licence by causing serious malpractices, as are reflected in the order of the District Supply Officer, passed on 17th June, 2013 suspending her licence.

3. According to him, the powers exercised by the Honourable Minister, in the revisional jurisdiction, imposing fine, exceeds the powers prescribed under the Schedule. He would then urge that the order is a non-speaking order as no reasons what-so-ever are given in the order impugned, for exercising revisional jurisdiction and for setting aside the orders impugned in the revision.

4. While countering the above referred submissions, Mrs Kulkarni, learned Counsel appearing on behalf of respondent no.5 would urge that clause 2 of the Maharashtra Scheduled Commodities (Regularization and Distribution) Order, 1975, confers all the powers under the sky in favour of the Minister and he is empowered to exercise the powers as he deems fit, so as to do complete justice in the matter. The powers cannot be restricted

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only to the extent of revisional jurisdiction, but also include supervisory powers.

5. Upon considering rival submissions, it is noted that the impugned order passed by the Minister, is a non-speaking order, as the reasons are conspicuously absent therein. The reasons in an order passed by Quasi Judicial authority are live links to ascertain the application of mind of the decision maker to the controversy sought to be espoused and the decision or conclusion arrived at. Apart therefrom, I see hardly any powers in the Minister, particularly in the light of clause 24, which empowers him to impose fine for compounding the serious irregularities committed by the licence holder, like present respondent no.5.

6. In my opinion, the said field is governed by the Government policy, which is not adhered to. In view thereof, in my opinion, the order impugned dated 12th August, 2014, passed by the Minister for Food and Civil Supplies, thereby imposing fine and setting aside the orders dated 17th June, 2013 and 12th March, 2014, passed by District Supply Officer, Beed and Deputy Commissioner (Supply), Aurangabad, respectively, is not sustainable and stands quashed and set aside. Consequently, the orders dated 17th June, 2013 and 12th March, 2014, passed by District Supply Officer, Beed and Deputy Commissioner (Supply), Aurangabad, respectively, stand restored.

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Writ Petition stands allowed in terms of above directions, with no order as to costs.

(N.W. SAMBRE, J.)

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