

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

WRIT PETITION NO. 4529 OF 2012

Swapnil Sevabhavi Sanstha Kharmatwadi ..PETITIONER

VERSUS

The State of Maharashtra and Others ..RESPONDENTS

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Mr. M.S. Karad, Advocate holding for Mr. S.S. Thombre, Advocate for petitioner.

Smt. S.S. Raut, AGP for Respondent Nos.1 to 5.

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 7th MARCH, 2016

ORDER :

1. I have heard the learned Counsels for the petitioner and the learned AGP. None appeared for Respondent No.6.

2. The following factors emerged from this petition:-

(a) On complaints filed by Respondent No.6, the District Supply Officer, Beed by order dated 25.04.2011 suspended the license of the petitioner-society for operating the fair price shop under Maharashtra Food Grains Act, 1966, The Maharashtra

Kerosene Dealer Licensing Order, 1966 and The Maharashtra Scheduled Commodities Retail Dealers' Licensing Order, 1979.

(b) The petitioner-society approached the Deputy Commissioner (Supply) challenging the order of the District Supply Officer.

(c) By order dated 09.06.2011, the petition filed by the petitioner was allowed by the Deputy Commissioner (Supply).

(d) Respondent No.6 approached the Hon'ble Minister by filing a revision petition.

(e) By order dated 18.04.2012, the order dated 09.06.2011 delivered by the Deputy Commissioner (Supply) was set aside and the order of suspension dated 25.04.2011 delivered by the District Supply Officer was upheld. Similarly, the District Supply Officer was permitted to proceed for conducting a hearing on whether the license granted to the petitioner-society should be cancelled or not.

3. The learned Counsel for the petitioner submits that this

Court has protected his license by staying the judgment of the Hon'ble Minister vide the order dated 16.05.2012. The said order has been continued and is in force even today by virtue of which the petitioner-society is still operating the fair price shop.

4. The learned Counsel for the petitioner further submits that certain documents filed by Respondent No.6 on the basis of which the license of the petitioner was suspended, have not been supplied to the petitioner despite a request made by filing an application before the Hon'ble Minister dated 06.03.2012.

5. The learned AGP appearing on behalf of the State submits that the license of the petitioner is still alive in view of the orders passed by the Deputy Commissioner (Supply) and later on by the order of this Court. The petitioner therefore continues to operate the fair price shop. It is however submitted that the proceedings with regard to the cancellation of the license of the petitioner have not been commenced by the District Supply Officer, Beed considering the pending litigation.

6. I have considered the submissions of the learned Counsels as have been recorded hereinabove.

7. It is apparent that due to the orders passed by the Deputy Commissioner (Supply) and thereafter by the order of this Court dated 16.05.2012, the petitioner-society still operates the fair price shop. Nevertheless, in my view, the order of suspending the license of the petitioner was only a step towards initiation of the proceedings for cancellation of the license.

8. In my view, therefore and considering the fact that the petitioner's license has been protected by this Court for almost four years, ends of justice would be met by extending the said protection for another six months and by directing the District Supply Officer, Beed to initiate the proceedings with regard to the cancellation of license of the petitioner by following the due procedure of law and by ensuring that all the documents on which the Respondent No.6 seeks has based his complaint, are supplied to the petitioner before hearing the parties on the cancellation of license.

9. In the light of the above, this petition is disposed off with the following directions:-

(a) The impugned order of the Hon'ble Minister dated 18.04.2012 shall continue to be stayed till 15.09.2016.

(b) The District Supply Officer, Beed-Respondent No.4 herein shall commence the proceedings with regard to the cancellation of license of the petitioner-society by issuing notice to Respondent No.6.

(c) The litigating sides shall appear before the District Supply Officer on 11.04.2016.

(d) The notice to Respondent No.6 shall mention the above said date as the returnable date for commencing the hearing.

(e) Respondent No.4 shall ensure that all the documents filed by Respondent No.6 are supplied to the petitioner-society within three weeks from 11.04.2016 and thereafter proceed to hear the litigating sides.

(f) Needless to state, after the conclusion of the hearing, Respondent No.4 shall pass a reasoned order with regard

to the proceedings for cancellation of license and the impugned order passed by the Hon'ble Minister dated 18.04.2012 shall merge into the said order.

10. It be noted that this Court has not expressed any opinion as to whether the license of the petitioner should be cancelled or maintained and Respondent No.4 shall decide the same on its own merits.

(RAVINDRA V. GHUGE, J.)