

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION No.266 OF 2015

All Maharashtra Sugar Nominee Federation, Nagpur, Through its Secretary and another.

-Vrs.-

The State of Mah. Through Principal Secretary Food, Mantralaya, Mumbai & another.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. F.T. Mirza, counsel for petitioner.

Mrs. Bharti Dangre, GP for respondent nos.1 & 2.

CORAM : B.P. DHARMADHIKARI AND
P.N. DESHMUKH, JJ.

DATED : 15th March, 2016

Learned Government Pleader upon instructions makes a statement that in view of e-auction process, only wholesale dealers with due licence/permission under the Maharashtra Scheduled Commodities Wholesale Dealers' Licencing Order, 1998 will be allowed to participate.

Shri Mirza submits that the statement being made by learned Govt. Pleader is contrary to G.R. dated 17.12.2014. He invites attention to paragraph no.5 thereof to urge that suppliers who are registered with NCDEX SPOT Exchange Ltd. are made eligible to participate in such auction and have been participating. He contends that these suppliers do not possess the licence under above mentioned Licencing Order of 1998.

He, therefore, insists for a direction to respondents to file a affidavit in support of statement made by learned Govt. Pleader.

As a responsible learned officer of the State Government has made the statement, we do not find it necessary to issue direction to respondent no.1 State or respondent no.2 Collector to file such affidavit.

We accept the same.

Shri Mirza submits that this is second round of litigation. In earlier round of litigation, writ petition was withdrawn when the State Government made a statement that new policy was introduced on trial basis. However, after six months when the same system was continued and re-enforced, the present petition has been filed.

During hearing we find that members of petitioner association possess necessary authorization/licence and therefore they can participate in e-auction. Participation by unauthorized person is already eliminated. Hence, we find that in view of statement made by learned Govt. Pleader and accepted by this Court, the grievance of petition cannot survive for consideration.

Therefore, with liberty to petitioner to approach again if statement made is not acted upon, we dispose of the petition. No costs.

JUDGE

JUDGE