

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

WRIT PETITION NO.4946 OF 2016

Grain Merchants Association, Akola Thr. its Secretary
-vs-

The State of Maharashtra, Law and Judiciary Dept. Thr. Principal Secretary, Mantralaya
and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri S. V. Sirpurkar, Advocate for petitioner.
Ms. M. Deshmukh, AGP for respondent Nos.1 and 2.

**CORAM : B.P.DHARMADHIKARI &
A.S.CHANDURKAR, JJ.**

DATE : AUGUST 29, 2016

Petitioner-Association of Traders (grain merchants) has questioned Ordinance No.XV/2016 particularly its Section 4(b) which amends sub-section (2) of Section 31 of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963. As far as the earlier provisions in Section 31(2) are concerned, it did not specify the persons/Authority from whom the 'adat' (commission) was to be recovered. By amending the same, now commission agents are asked to recover it from the petitioners.

Our attention is invited to SOR of Ordinance to urge that it does not contain necessary reasons for effecting such amendment. Ground II sub paragraph on page 15 of writ petition is also pressed into service to urge that it has no nexus with the object sought to be achieved by amending the Ordinance.

A law made by competent authority is being questioned before us. The limited scope of such challenge is well

established. There has to be either an allegation of violation of Article 14 of the Constitution of India, violation of any fundamental right or then lack of legislative capacity. No such grounds are made out.

In SOR, the Hon'ble Governor of Maharashtra has observed that purpose behind amendment is to ensure more bargaining powers to farmers and consumers and to enable healthy competition so that farmers get fair price for their produce.

Earlier sub-section (2) did not specify any particular person i.e. farmer (seller), consumer or commission agent as a person on whom responsibility to pay commission was fastened. Legislature has for the first time made it clear and directed that it shall be recovered from the buyers like petitioners. Petitioners operate as buyers/traders in yard of market committee on the strength of license issued to them. Amendment does not result in any discrimination or violation of fundamental right.

We do not see anything wrong in so far as constitutional challenge is concerned. No case is made out to interfere in writ jurisdiction. Writ petition is rejected with no order as to costs.

JUDGE

JUDGE

-: C E R T I F I C A T E :-

“ I certify that this Judgment/order uploaded is a true and correct copy of the original signed Judgment/order.”

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