

**THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA
RAO**

W.P.No.10182 of 2015

ORDER:

Heard the learned counsel for the petitioners and Smt. G.Neeraja Reddy, learned Standing Counsel for respondent No.3.

2. Petitioners' grievance is that they have applied to 3rd respondent for grant of licence as Commission Agents and that even though their applications were filed in the year 2012, the respondents are not considering the same and are insisting that the petitioners pay licence fee and security deposit as per G.O.Ms.No.17 Agricultural & Co-operation (AMD-IV) Department, dt.31-01-2013.

3. Learned counsel for the petitioners contend that since the applications were given in the year 2012 at which point of time G.O.Ms.No.49 Agricultural & Co-operation (AMD-IV) Department, dt.27-03-2012 is in force, the respondents have to apply the said G.O.Ms.No.49 only and cannot make applicable G.O.Ms.No.17 dt.31-01-2013 to the petitioners and demand licence fee and security deposit on that basis.

4. In the counter affidavit filed by 3rd respondent, it is not denied that the petitioners have submitted their applications for grant of Commission Agent

licence in the year 2012. Learned Standing Counsel for 3rd respondent has also produced copies of the applications made by the petitioners in the year 2012 for grant of Commission Agent licence. But a stand is taken in the counter affidavit in para-6 that G.O.Ms.No.17 dt.31-01-2013 has come into being, and so 3rd respondent would apply G.O.Ms.No.17 only and not G.O.Ms.No.49.

5. This plea is untenable because G.O.Ms.No.17 dt.31-01-2013 would have only prospective operation and could not have retrospective operation and therefore cannot be made applicable to the petitioners who applied for grant of Commission Agent's licence much prior to the introduction of G.O.Ms.No.17.

6. Although in para-8 of the counter affidavit, a submission is made by 3rd respondent that petitioners have applied for grant of licence only for the period 27-03-2012 to 31-03-2013, a perusal of the applications made by the petitioners which have been produced by the learned Standing Counsel for 3rd respondent does not indicate that the petitioners have mentioned any period therein. Therefore, this plea is also not tenable.

7. Accordingly, the Writ Petition is allowed and the respondents are directed to consider petitioners' applications for grant of Commission Agent licence

without reference to G.O.Ms.No.17 dt.31-01-2013 and apply G.O.Ms.No.49 dt.27-03-2012 only and pass orders thereon within six weeks from the date of receipt of a copy of this order.

8. The Writ Petition is allowed as above. No costs.

9. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 06-01-2016

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