

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6238 OF 2016

Sangli Chamber of Commerce

Through President & Ors.

... Petitioners

Vs.

Sangli Agricultural Produce Market

Committee, Sangli & Ors.

... Respondents

.....

Mr. T. S. Ingale for the Petitioners.

Mr. U. R. Mankapure for Respondent No. 1.

Mr. C. P. Yadav, AGP for Respondent Nos. 2 to 5.

Ms. Pavitra Manesh h/f Mr. Meelan Topkar for Respondent No.6.

Mr. A. S. Rao for the Intervenor in C.A. No.510 of 2017.

.....

**CORAM : B. R. GAVAI AND
 RIYAZ I. CHAGLA, JJ.**

DATE : JULY 07, 2017.

P.C. :

1. Rule. Rule made returnable forthwith. Heard finally by consent.

2. The petitioners impugn the order dated 22 December, 2014, vide which the State Government has granted stay to the directions dated 16th December, 2014, issued by the Director of Marketing-respondent no.3 herein.

3. Vide the said directions dated 16th December, 2014, the Director of Marketing had directed all the Agricultural Produce

Market Committees (APMCs) to install electronic weighing machines, and on such machines being installed, had directed the APMCs not to charge weighing charges (*tolai charges*). However, it appears that the State Government, vide the impugned communication, has stayed the said directions of the Director of Marketing.

4. Being aggrieved thereby, the petitioners have approached this Court contending that it is only the respondent no.1-APMC who is imposing the said charges.

5. The Division Bench of this Court, vide order dated 9th January, 2017, after taking into consideration the rival contentions, and particularly the fact that the nearby APMCs, i.e. Kolhapur APMC and Karad APMC, are not collecting the said charges, had granted interim relief in favour of the petitioners. It was made clear that the respondent no.1 shall not insist for deposit of weighing charges on the packed agricultural produces while renewing the licences of the traders. It was further clarified that the traders shall continue to deposit weighing charges in respect of the loose agricultural produces.

6. Mr. Yadav, learned AGP, on instructions of Mr. Jayant Bhoir, Desk Officer, Co-operative Marketing & Textile Department, Mantralaya, who is personally present in Court, states that the matter is pending before the State Government and the State Government will require some time to take a decision on the same.

7. We find that the interest of justice would be met by directing the State Government to take a final decision with regard to the communication dated 22nd December, 2014, as expeditiously as possible, and in any case within a period of two months from today. We further clarify that the interim order passed by this Court dated 9th January, 2017 shall continue to operate till the State Government finally decides the issue, and in the event the decision of the State Government is adverse to the interest of the petitioners, for a further period of two weeks from date of receipt of communication thereof by respondent No.1.

8. Rule is made absolute in the aforesaid terms. The Writ Petition is accordingly disposed of. There shall be no order as to costs.

(RIYAZ I. CHAGLA, J.)

(B. R. GAVAI, J.)