

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION STAMP NO.25431 OF 2017
IN
WRIT PETITION NO. 329 OF 2017

State Co-operative Election Authority

.....Applicants/
Org. Respondent No.18

In the matter of
Shri Dilip Gangadhar Sopal
versus
The State of Maharashtra and ors.

.....Petitioner
.....Respondents

Mr. Vijay D. Patil i/b. Mr. Nitin Dhumal, advocate for the applicants.
Mr. Abhijit Kulkarni i/b. DD and Abhijit Associates, advocates for the petitioner.
Mr. A. I. Patel, AGP for the State.
Mr. B. D. Joshi, advocate for the APMC, Barshi.
Mr. A. B. Tajane, advocate for the APMC, Solapur.

**CORAM : RANJIT MORE &
SMT.SADHANA JADHAV, JJ.**

DATE : 13th SEPTEMBER, 2017.

P. C. :

Heard learned counsel and learned AGP appearing for the respective parties.

2. The application is filed for extension of time to hold the elections of Managing Committee of Agricultural Produce Market Committee (for short "APMC), Barshi and Solapur. So far as APMC Barshi and Solapur are concerned, administrator was appointed on 12th September, 2016 and 18th October, 2016 respectively. The petitioner and some other persons filed writ petition Nos.329 of 2017, 11131 of

2016, 7625 of 2017 and writ petition No.13354 of 2016 for directions to the applicant to hold election as the period, for which, the administrator was appointed for APMC- Barshi and Solapur, will get over soon. A Division Bench of this Court disposed off the above referred petitions by its order dated 12th July, 2017, by directing the applicant to hold the election of Managing Committee of APMC- Barshi before 12th September, 2017. So far as APMC - Solapur is concerned, this Court directed the applicant to hold election of Managing Committee on before 17th October, 2017.

3. The applicant could not comply with the aforesaid order as the APMC Act was amended and the Government could not frame the Election Rules giving effect to the amendment. The Government, in pursuance of the amended Act, also extended the period of Administrator by six months in respect of the APMC-Barshi and Solapur. Thus the period of Administrator so far as APMC – Barshi is concerned, will expire on 11th March, 2018 and the period of Administrator of APMC-Solapur will expire on 16th April, 2018.

4. Mr. Patel, learned AGP, on instructions, made a statement that draft elections rules in pursuance of the amendment to APMC Act are already finalised. However, the same are required to be published inviting objections/suggestions and, thereafter, the Rules would be made final. He stated that this exercise would take nearly about two months. He also stated that in remaining period of four months, the applicant would be able to hold elections to the APMC Barshi and Solapur. The course suggested by Mr. Patel is fairly acceptable to Mr. Patil, learned counsel for the applicant.

5. In the peculiar circumstances, we dispose off this application by passing the following order :

(a) The State of Maharashtra shall publish the draft election rules within eight days from today inviting objections/suggestions from the public at large.

(b) The Government shall finalise the Election Rules on/or before 10th November, 2017.

(c) The applicant, thereafter, shall start the process of election of Managing Committee of APMC-Barshi and Solapur and complete the same on or before 11th March, 2018 and 16th April, 2018 respectively.

The criminal application stands disposed off.

[SMT. SADHANA JADHAV, J.]

[RANJIT MORE, J.]