

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 4629/2016

(M/s R.K.Rice Udyog, Mohgaon and another vs. The State of Maharashtra and others)

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

Court's or Judge's order

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Dr.R.S.Sundaram, Advocate for petitioners
Miss Ritu Kalia, A.G.P. for respondents 1 and 2
Mr. P.D. Meghe, Advocate for respondent nos. 3 and 4

CORAM : B.P. DHARMADHIKARI &
MRS. SWAPNA JOSHI, JJ.

DATED : 17th January, 2017

After we heard Advocate Sundaram for petitioners and Advocate Meghe for respondent nos. 3 and 4, when a question was put to learned Additional Government Pleader, the learned A.G.P. is seeking adjournment. Request rejected.

Shri Meghe has concluded his arguments by pointing out that as there was a direction to proceed against petitioners, in the light of that direction, on the strength of enquiry report dated 14/15th April 2015, action of blacklisting has been taken.

We have perused the copy of enquiry report. The enquiry report is about purchase of paddy in Bhandara District in the year 2013-14. It is prepared by one Shri Prashant Kale, District Supply Officer, Gondia; Sampat Khillari, Sub-Divisional Officer, Bhandara and Shri Mahesh Avhad, Chairman & Additional

Collector, Aheri-Gadchiroli).

Advocate Meghe has invited our attention to the irregularities noted at Dongargaon Purchase Centre. Who was the person running and managing that Centre is not very clear. In table, the name of Vijay Manikrao Karemore and Raju Manikrao Karemore, are shown as agriculturists from whom paddy has been purchased. Quantity purchased and amount paid is also mentioned. At the end, there is a remark that amount paid is in excess and not as per rules.

Shri Meghe, has submitted that these agriculturists, namely, Vijay and Raju are associated with petitioners in Writ Petition No. 4629/2016.

It is not in dispute that petitioner in Writ Petition No. 4629/2016 is a miller and not an agriculturist. There is one more petitioner, by name, Ashirwad Rice Industries but it is again a miller. The proprietors of this rice milling industries are: Raju M. Karemore and Vishwanath M. Karemore, respectively.

The millers receive rice for milling and millers are not involved in act of purchasing. Thus, if a person in-charge of Dongargaon Paddy Procurement Centre has done anything wrong or played some mischief, how action therefor can be taken against these rice miller industries, is not clear.

Writ Petition No.3251/2015 was filed by these two petitioners along with six others petitioners, challenging the orders of District Supply Officer blacklisting them. It appears that

there were few more Writ Petitions before this Court and all these Writ Petitions were decided on 14.10.2015 by a common judgment. A fresh opportunity to respective petitioners was provided.

A show-cause notice was then issued on 17.12.2015, placing reliance on the above mentioned enquiry report. The petitioners have submitted a reply thereto pointing out that it was only concerned with milling and it is a federation or their agents who were engaged in act of procuring paddy. This defence has been totally lost sight of and mechanically and rather in a pedantic manner, an order of blacklisting has been passed.

Learned counsel appearing for respondent nos. 3 and 4 was asked to explain the report but he has expressed his inability and urged that since there is a report and direction to proceed, the respondent nos. 3 and 4 had no option but to proceed further in the matter. He also submits that milling contract was only for limited period and that period has already expired.

Merely because the period has expired, the order of blacklisting and challenge thereto is not rendered infructuous. We find that though opportunity was given by this Court while disposing of above-mentioned Writ Petitions, on 14.10.2015, it has not been availed of properly by the respondents. It appears that the respondents are not serious about the issue involved.

In this situation, we quash and set aside the order of blacklisting dated 21.11.2016.

As we find that respondents were not serious while dealing with the matter of public importance, we direct them to deposit an amount of Rs. 5,000/- each, as costs payable to the High Court Legal Aid Services Sub-Committee, Nagpur, within four weeks from today. The Writ Petition is accordingly allowed and disposed of.

JUDGE

JUDGE

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