

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**PUBLIC INTEREST LITIGATION NO. 172 OF 2018**

Shri Vitthal Namdeo Pawar. ... Petitioner.  
Vs.  
The State of Maharashtra and others. ... Respondents

Mr.Ashish S. Gaikwad with Ms.Bhavana R. Khichi for the Petitioner.  
Mr.P.P.Kakade, GP with Mr.K.S.Thorat, AGP for  
Respondent Nos.1 to 9.

**CORAM : PRADEEP NANDRAJOG, C.J.  
AND N.M.JAMDAR, J.**

**DATE : 18 July 2019.**

**P.C. :**

The petitioner, an agriculturist, has moved this petition purported to be in public interest in respect of price of milk in the State of Maharashtra.

2. The petitioner has added as many as nine Respondents. These are the Chief Secretary of the State of Maharashtra; Principal Secretary of Dairy Development and Animal Husbandry And Fisheries Department; Principal Secretary of Department of Co-operation; Secretary of Industries Department; Secretary for Food

and Drugs Department; Commissioner of Co-operation; Commissioner of Dairy Development; Commissioner of Animal Husbandry and the Commissioner of Agriculture, the authorities of the State of Maharashtra. The petitioner has sought a direction against these Respondents to provide Minimum Support Price of milk on the basis of its region-wise Cost of Production of milk to the farmers. A further direction is sought to declare minimum support price for purchase of milk as per region-wise cost of production and revise the same every year on the basis of actual region-wise cost of production. A direction is also sought to recover the difference between the cost of production and amount of purchase of milk from the Co-operative Milk Societies, Government Dairies and private milk collectors, if such minimum support price as sought is fixed. A prayer is made for forming an Empowered Committee including members from regions and divisions from agriculturists.

3. We have heard the learned counsel for the parties and perused the petition record.

4. The petitioner has relied upon the representations made by Agriculturists Associations to the authorities of the State requesting for certain rate to be determined for milk. These representations are generic and refer to the issue of crops and waiving of loan to the farmers. The petitioner has annexed minutes of the meeting held in the office of the Dairy Development where certain

suggestions were exchanged. The petitioner has then annexed certain interim orders passed in some petitions, letters written by the Food and Safety Standard Authorities to the State Authorities. Information given under the Right to Information Act, 2005 regarding milk production and the rates, is placed on record. A resolution dated 13 August 2009 is annexed to the petition which deals with establishment of Empowered Committee for deciding the rates of purchase of milk. Further resolutions in that regard fixing the rates dated 25 November 2014, 28 June 2016, 15 October 2016, 11 April 2017 and 19 June 2017 are annexed.

5. Reply is filed by the Commissioner, Dairy Development Department. It is stated that the Government of India under the provisions of the Essential Commodities Act, 1955 fixes minimum support price for essential commodities. It is stated that price of milk is not fixed by the Government of India and the milk purchase price in the open market is decided by the market forces. It is further stated that the dairy business is operated by Government, Co-operative and private sectors in the ratio 1:39:60. The State Government has established the Empowered Committee for deciding purchase price of milk and its selling price. The Government directives have been issued on 10 July 2015 making it mandatory to all co-operative milk unions in the State of Maharashtra to purchase milk from milk producers at the purchase rate fixed by the Government of Maharashtra for the Government dairies and that

deterrent action would be taken against the erring co-operative societies. It is stated that the milk purchase price is affected by the co-operative and private sectors' pricing mechanism as they handle large share of milk in the market. The schemes have been framed by the State Government details of which are given in the reply.

6. The pleadings and prayers in the petition are amorphous. The reliefs which are sought are essentially in the nature of price fixation. The averments in the petition do not lay the foundation of the reliefs prayed for. The reliefs prayed are suggestions and requests to determine the rates of purchase of milk in a particular manner and at a particular rate.

7. The law that the judicial interference in the matters of price fixation should be minimal, if at all, is settled. There are various conditions such as environmental factors, geographical conditions, temperature, humidity, rain fall and availability of fodder which affects the purchase price of milk in the open market. The Government while fixing the purchase price of the milk has to consider the cost of milch animals, dry fodder, animal feed, labour expenses, insurance of animals veterinary aids, artificial insemination etc. The cost of production per liter of milk depends on various factors which are taken into consideration while fixing milk purchase price which is determined by the Empowered Committee. The petitioner is not an expert in fiscal matters. He has also not done any

study of what would be the cascading effect of altering an existing pricing mechanism. It is not possible for us in this public interest litigation to issue sweeping directions as sought by the petitioner.

8. The public interest litigation is accordingly disposed of.

N.M.JAMDAR, J.

CHIEF JUSTICE