

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.1149/2017

Shetkari Sahakari Dhaan Girni, Maryadit, Dongargaon, Tahsil, Mohadi, District
Bhandara through its Manager Shri Vilas Yeshwant Samrit

...Versus...

The Maharashtra State Cooperative Marketing Federation Ltd., Bhandara
Branch through District Marketing Officer and others

WITH

WRIT PETITION NO.1150/2017

Bhandara Zilla Sahakari Krishi Audyogik Sangh Ltd., Bhandara through its
Manager Shri Bharat Gyaniram Thakre

...Versus...

The Maharashtra State Cooperative Marketing Federation Ltd., Bhandara
Branch through District Marketing Officer and others

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

Court's or Judge's orders

Shri S. Paliwal, Counsel for petitioner
 Shri P.D. Meghe, Counsel for respondent nos.1 and 2
 Ms Ritu Kalia, AGP for respondent nos.3 to 5

CORAM : R. K. DESHPANDE AND
MILIND N. JADHAV, JJ.

DATE : 06/11/2019

1. The challenge in these petitions is to the order dated 21/11/2016 passed by the respondent no.1, blacklisting the petitioners from the agency of purchasing of paddy from the farmers/agriculturists.

2. A show-cause-notice was issued to the petitioners on 17/12/2015, with which a copy of fact finding report was

annexed. The petitioners submitted their replies to the show-cause-notice. Thereafter, the order is passed on 21/11/2016 holding that the explanation furnished is not found to be satisfactory and hence, the order of blacklisting is passed.

3. We have gone through the report concerning malpractices adopted by the petitioners. Six instances are quoted in the report indicating that without purchase of paddy the payment has been disbursed. It is also the case that the purchases are made from some persons and the payments are made to some other persons. There is also discrepancy in the stock pointed out.

4. The principles of natural justice are being complied with. We do not find that the nature of proceedings of show-cause can be construed, like a detailed departmental enquiry, permitting evidence to be led and cross-examination of the witnesses. We are not sitting in appeal over the decision taken by the competent authority. There is no perversity. The writ petitions are dismissed. No order as to costs.

(Milind N. Jadhav, J.)

(R.K. Deshpande, J.)