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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 3880/2018 & CM No. 15307/2018

M/S KAMRUDDIN MALIK & SONS THROUGH
ITS PROPRIETOR

..... Petitioner

Through: Mr Raj Kishor Choudhary, Mr Vineet
Jindal, Mr Sumit Kumar, Ms Urvashi
and Mr Shakeel Ahmed, Advocates.

versus

AGRICULTURAL PRODUCE MARKETING
COMMITTEE

..... Respondent

Through: Mrs Avinash Ahlawat, Standing
Counsel, APMC with Mr Nitesh
Kumar Singh, Ms Palak Rohmetra
and Ms Aarushi, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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14.01.2019

1. The petitioner has filed the present petition, *inter alia*, impugning a Resolution dated 01.03.2018 passed by the Agricultural Produce Marketing Committee and the final notice dated 20.03.2018.
2. In the notice dated 20.03.2018, it is noticed that the petitioner had paid a sum of ₹2,48,155/- as mandi fee for the period June, 2017 to January, 2018. The aforesaid amount has been paid against the total due of ₹4,00,360/- as assessed. Thus, the petitioner has been called upon by the impugned notice to make the balance payment within a period of fifteen days. It is the petitioner's case that he had paid the amount due and no amount is payable to the respondent. The petitioner also challenges the

amount of fee as computed by the respondent.

3. Ms Ahlawat, learned counsel appearing for the respondent states that the petitioner has an equally efficacious remedy of appeal under Section 67 of the Delhi Agricultural Produce Marketing (Regulation) Act 1998 read with Rule 40 of the Delhi Agricultural Produce Marketing (Regulation) General Rules, 2000.

4. In this view, learned counsel appearing for the petitioner seeks to withdraw the present petition with liberty to avail of the alternative remedy. He, however, requests that the delay in filing such appeal be condoned. The said request is not opposed.

5. In view of the above, the present petition is disposed of leaving it open for the petitioner to avail of the alternative remedies. It is clarified that if an appeal is preferred within a period of two weeks from today, the same would be considered by the concerned Appellate Authority uninfluenced by the question of any delay. The interim order passed in the present petition is also continued for a further period of two weeks from today.

6. It is clarified that this Court has not expressed any opinion (*prima facie* or otherwise) and nothing stated in any of the orders passed in the proceedings should be construed as such.

7. The pending application is also disposed of.

8. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

JANUARY 14, 2019/MK