

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.6214 OF 2021

Agricultural Produce Market Committee,
Ahmednagar

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.N.V.Gaware, advocate for the Petitioner.
Mr.S.B.Pulkundwar, AGP for Respondents.

CORAM : V.K.JADHAV, J.

DATE : 22nd April, 2021.

PC :

1 Heard Mr.Gaware, learned Counsel for the petitioner and learned AGP for Respondents.

2 Learned Counsel for the petitioner has pointed out that the petitioner is an Agricultural Produce Market Committee. The political rivals of the members of the Managing Committee of the petitioner – APMC have lodged complaints before the District Deputy Registrar, Co-operative Societies, on several counts. On 04.09.2020, Respondent No.3 – District Deputy Registrar has passed an order purportedly under Section 40 (a) and (b) of the

Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963, and directed that the inquiry to be conducted on 11 issues. Even Respondent No.3- District Deputy Registrar has appointed the Deputy Registrar, Co-operative Societies, Sangamner, as Inquiry Officer to conduct the inquiry.

3 The learned Counsel for the petitioner submits that so far as issue no.1 is concerned, it pertains to non payment of provident fund, issue no.2 pertains to non payment of difference of Sixth Pay Commission, issue no.3 pertains to unauthorized construction, issue no.4 pertains to sale of shops at subsidized rates and issue no.6 pertains to the expenditure incurred by the members of the Managing Committee.

4 The petitioner – APMC, on 05.10.2020, preferred an appeal bearing No.67 of 2020 under Section 52(b) of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963, before the Director of Marketing, Maharashtra State, Pune. By order dated 29.10.2020, Respondent No.2 has partly allowed the appeal and directed to make fresh inquiry after deleting the issues with regard to which report was submitted by the Assistant Registrar, Co-operative Societies,

Parner.

5 The learned Counsel for the petitioner has pointed out that after remand, the District Deputy Registrar again framed same issues without excluding the earlier issues, which were already decided.

6 It appears that the petitioner had not filed any application before the District Deputy Registrar in connection with such framing of the issues without excluding earlier decided issues; and directly approached this Court. It is open for the petitioner to approach the District Deputy Registrar in the light of the directions given by Respondent No.2 herein in the order dated 29.10.2020.

7 In view of the above, learned Counsel for the petitioner, on instructions, seeks leave to withdraw the petition with liberty to the petitioner to file an application before the District Deputy Registrar, Co-operative Societies, pointing out the aforesaid controversy in the light of the directions given by the Respondent No.2 herein in the order dated 29.10.2020 while disposing of appeal No.67 of 2020.

8 Leave granted. Writ Petition is disposed of as withdrawn with liberty to the petitioner to file an application before Respondent No.3- District Deputy Registrar, Co-operative Societies and upon filing such application, Respondent No.3 – District Deputy Registrar, Co-operative Societies, to decide the said application on its own merits after considering the directions given by the appellate authority while disposing of appeal no.67 of 2020.

9 Writ Petition is accordingly disposed of.

(V.K.JADHAV)
JUDGE

adb