

Priya

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION NO. 87 OF 2021**

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IN

WRIT PETITION NO.7677 OF 2021

State Co-operative Election Authority, Pune & ...Petitioners
Ors

Versus

State of Maharashtra and Ors ...Respondents

Mr Dilip Bodake, for the Petitioners.

Mr AB Kadam, AGP, for the Respondent No 1-State.

Mr GS Godbole i/b Mr PN Joshi, for the Respondent Nos 3 to 29.

**CORAM G.S. Patel &
Madhav J. Jamdar, JJ.**

DATED: 9th December 2021

PC:-

1. This Review Petition should never have been filed. There is nothing to review.

2. We delivered judgment on 17th November 2021 interpreting Section 13 of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act 1963 (“**the APMC Act**”) before and after its amendment in 2020. In Paragraphs 8 and 9 of our judgement, we analysed these two provisions. We noted that the

market committee would consist of members whose qualifications are set out. Eleven were to be elected by :-

“Members of the Managing Committees of Agricultural Credit Societies *and* Multipurpose Co-operative Societies (within the meaning of the Maharashtra Co-operative Societies Act, 1960 and the Rules made thereunder) functioning in the market area.”

3. The submission before us today is that we should clarify or review this order so that it either excludes Multipurpose Co-operative Societies altogether or clarifies that only Multipurpose Co-operative Societies within the meaning of the Maharashtra Co-operative Societies Act and the Rules made thereunder functioning in the market area are to be included. The submission is stated only to be rejected. The first part is contrary to the plain language of the statute. That cannot be the subject matter of review. The second is a reiteration of what we have already held and there is simply nothing to review.

4. We are also unable to see how the State Co-operative Election Authority, the District Deputy Registrar and the Assistant Registrar could have even filed such a Review Petition. They do not have the locus to do so. They are required to draw up voters' lists in accordance with law.

5. There is absolutely no merit in this Review Petition. It is dismissed.

6. All concerned will act on production of a digitally signed copy of this order.

(Madhav J. Jamdar, J)

(G. S. Patel, J)