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

LETTERS PATENT APPEAL NO.267 OF 2012
IN
WRIT PETITION NO.5649 OF 2010 (D)

Sukhdeo Amrut Kumbhare, Tq. Mehkar, Dist. Buldhana

-vs-

State of Maharashtra Thr. Minister Food and Civil Supply, Mantralaya, Mumbai and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri Ram Heda, Advocate with Shri Anand Parchure, Advocate for petitioner.

Smt Sangita Jachak, Assistant Government Pleader for respondent Nos.1 to 3.

Respondent No.4 served.

CORAM : A. S. CHANDURKAR AND PUSHPA V. GANEDIWALA, JJ.

DATE : September 20, 2021

P. C.

The judgment of the learned Single Judge in Writ Petition No.5649/2010 dated 14/03/2012 is under challenge in this Letters Patent Appeal.

2. The appellant was issued license for running a fair price shop under provisions of the Maharashtra Scheduled Commodities (Regulation of Distribution) Order, 1975 (for short, the Order of 1975). The respondent No.4 filed a complaint stating therein that the appellant had committed misappropriation in the matter of supplying food grains. By the order dated 02/05/2009 District Supply Officer imposed penalty of forfeiture of security deposit of the appellant. The complainant being aggrieved by that order filed an appeal

before the Deputy Commissioner (Supply), Amravati who on 14/07/2009 set aside that order and cancelled the license of the fair price shop of the appellant. The appellant therefore approached the Honourable Minister-respondent No.1 by preferring a revision application which was however dismissed on 31/08/2009. The appellant then filed a review application which came to be allowed by the order dated 28/08/2010. Since the review application was allowed, complainant filed Writ Petition No.5649/2010 challenging that order. The learned Single Judge by the order impugned in the Letters Patent Appeal set aside the order dated 28/08/2010 passed by the Honourable Minister (Food, Civil Supply and Consumer Protection). As a result the license of the appellant stood cancelled and hence this appeal.

3. While admitting the appeal on 01/08/2012 it was observed by the Division Bench that since the question of locus of the complainant to file an appeal under the Order of 1975 was raised in a similar matter, the appeal deserved consideration.

4. We have heard Shri Heda, learned counsel for the appellant who sought to urge that the complainant had no locus whatsoever to prefer any complaint as regards conduct of the fair price shop by the appellant. He has however fairly brought to the notice of the Court the judgment of Division Bench in *Ramprasad s/o Ramchandra Chavan vs. State of Maharashtra and ors. 2010 (4) Mh.L.J. 82* wherein under the Order of 1975 itself while considering the provisions of Clause-24 it has been held

that a complainant has necessary locus to maintain proceedings for cancellation of licence. We thus find that the issue in question now stands answered and in view thereof the contention raised by the learned counsel for the appellant cannot be accepted.

4. Since this was the only question found relevant while admitting the Letters Patent appeal, it is clear that the respondent No.4 had sufficient locus to file the complaint and maintain the appeal before the Deputy Commissioner (Supply), Amravati. There is thus no reason to interfere with the adjudication in Writ Petition No.5649/2010. The Letters Patent Appeal is accordingly dismissed with no order as to costs.

JUDGE

JUDGE