

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

WRIT PETITION NO.3415/2022

Agricultural Produce Market Committee,
Katol, through its Secretary Shri Parag
S/o Rajendra Date, aged about 42 Yrs.,
Occ. Service, R/o Katol, Dist. Nagpur. ... Petitioner

- Versus -

1. State of Maharashtra,
through its Principal Secretary,
Department of Marketing,
Mantralaya, Mumbai - 32.
2. The Director of Marketing,
Maharashtra State, 3rd Floor, New
Administrative Building, Pune -1. ... Respondents

Mr. M.P. Khajanchi, Advocate for the Petitioner.
Mrs. K.S. Joshi, Additional Government Pleader for Respondent
Nos.1 and 2.

CORAM : SUNIL B. SHUKRE AND
G.A. SANAP, JJ.

DATE : 20.9.2022

ORAL JUDGMENT (Per Sunil B. Shukre, J.)

Heard. **Rule.** Rule made returnable forthwith.

Heard finally by consent of learned counsel for the parties.

2. The impugned order rejecting the tender of the
petitioner, in our opinion, does not take into consideration all the

points raised in the representation dated 11.4.2022 made by the petitioner, especially the point relating to the prevailing rates as per the current DSR. Therefore, even though the impugned order is an administrative order, as has been pointed out by the learned Additional Government Pleader, the order requires interference as it does not satisfy the test of nonarbitrariness and reasonableness. In the result, the petition is allowed. The impugned order is quashed and set aside and the matter is remanded back to respondent No.2 for a fresh decision, in accordance with law and upon consideration of all the points raised in representation dated 11.4.2022. The petitioner to appear before respondent No.2 on 26.9.2022. The decision shall be rendered within four weeks from the date of appearance of the petitioner. Rule is made absolute in the above terms. No costs.

(G.A. SANAP, J.)

(SUNIL B. SHUKRE, J.)