

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

WRIT PETITION NO.8518 OF 2019

Agriculturist Produce Market Committee,
Dhamangaon Railway, through its
President Shri Mohan s/o Uttamrao
Ingle, Aged 52 years,
Occupation: Agriculturist,
R/o Dhamangaon Railway,
Tahsil Dhamangaon Railway,
District Amravati. **PETITIONER**

...VERSUS...

1. The State of Maharashtra, through its
Secretary of Ministry of Co-operation &
Marketing, Mantralaya, Madam Cama Road,
Mumbai-400 032.
2. The Divisional Joint Registrar Co-operative
Societies, Amravati,
Tahsil & District Amravati.
3. Shri Ravindra s/o Vishwanath Thakre,
Aged adult, Occupation: Agriculturist,
R/o Chincholi, Tahsil Dhamangaon Railway,
District Amravati.
4. Shri Nandkishor s/o Ramdasji Dhole,
Aged adult, Occupation: Agriculturist,
R/o Gavha Farkhade, Tahsil Dhamangaon
Railway, District Amravati.
5. Shri Vijay s/o Ramchandra Gulhane,
Aged adult, Occupation: Agriculturist,
R/o Talegaon Dashasar,
Tahsil Dhamangaon Railway,
District Amravati.

6. Someshwaray Infratech (India) Pvt. Ltd.,
having Reg. Office at Plot No.26,
Amar Colony, Near Dastur Nagar,
Old Bay Pass Road, Amravati,
through the authorized representative
and Power of Attorney Holder,
Mr. Baburao Sadashivrao Deshmukh. **RESPONDENTS**

Mr. A. M. Ghare, Advocate for Petitioner.
Mr. K. L. Dharmadhikari, AGP for Respondents 1 & 2/State.
Mr. U. R. Phasate, Advocate for Respondents 3 to 5.
Mr. M. V. Samarth, Senior Advocate for Respondent 6.

CORAM: **ROHIT B. DEO, J.**
DATE: **22nd FEBRUARY, 2022.**

ORAL JUDGMENT:

This Court (Coram: S.M. Modak, J.) vide order dated 24.12.2019 stayed the order dated 12.12.2019 passed by the Divisional Joint Registrar, Co-operative Societies, Amravati whereby the Agriculturist Produce Market Committee (APMC) was asked to stop the work undertaken pursuant to Resolution dated 26.08.2019.

2. At the same time, this Court directed the APMC not to clear any of the bills submitted by the contractor.

3. The parties are *ad idem* that as a fact the contractor – respondent 6 has executed portion of the work and has submitted

bills which are approved by the Architect of the APMC.

4. The learned Senior Advocate Mr. Mukesh Samarth would submit that the interim order serves no purpose and operates harshly in as much as it is no one's case that the contractor has not executed the work qua which the bills are submitted.

5. In this view of the matter, the condition that the APMC shall not clear the bills of the contractor is revoked.

6. It is clarified that the APMC shall process and pay the contractor the amount to which he is found entitled to in law, and on merit.

7. The parties further agree that except the condition which is now revoked, the rest of the interim order dated 24.12.2019 can hold the field till the revision is finally decided by the Divisional Joint Registrar, Co-operative Societies, Amravati.

8. The Divisional Joint Registrar shall decide the Revision 18/2019 after hearing all the stake holders including the

contractor – who is the respondent 6 herein, within ninety days from the appearance of the parties.

9. The parties shall appear before said authority on 01.03.2022 and shall apprise the authority of this order. No separate notice shall be issued by the said authority.

10. It is clarified that except the revocation of restriction on the payment of the contractors bill, the remaining part of the interim order dated 24.12.2019 shall continue to operate till the final decision in the pending revision.

11. The petition is disposed of.

JUDGE

NSN