

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

WRIT PETITION NO.6789 OF 2022

[M/s. Sarkari Swasta Dhanya Dealer Sangh, Tumsar .vs. The State of Maharashtra and others]

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Mr. A.M. Ghare, Advocate for the petitioner,
 Mr. S.M. Ukey, Addl.G.P. for respondents 1 and 2,
 Mr. S.S. Paliwal, Advocate for respondent 3.

CORAM : ROHIT B. DEO AND
MRS. VRUSHALI V. JOSHI, JJ.
DATE : 27/03/2023.

This petition is filed challenging show cause notice dated 16.9.2022 issued by respondent 3 calling upon the petitioner to show cause as to why the trader's licence should not be cancelled.

2. Instead of filing response to the show cause notice, the petitioner rushed to this Court challenging the show cause notice on the ground that the power to cancel licence is not available under Sub-rule (4) of Rule 6 of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Rules, 1967 (hereinafter referred to as the 'Rules').

3. We note from the body of the petition, that even according to the petitioner, under the said statutory provision, there is a power to refuse renewal of licence.

4. Be that as it may, the petitioner secured interim order dated 1.11.2022 to the effect that while the proceeding may continue, no decision shall be taken on the show cause notice.

5. The learned counsel for the petitioner Mr. A.M. Ghare states that after the interim order, the petitioner has filed response to the show cause notice.

6. It is common ground that the licence of the petitioner is to expire in the ordinary course on 31.3.2023. It would not be necessary to delve deeper in the submission that the petitioner, who holds fair price authorization, is entitled to trader's licence. In any event, it is not in dispute that the Agricultural Produce Market Committee has the power under the statutory provisions to refuse renewal on valid grounds.

7. The grounds on which the show cause notice is issued need not be considered by us at this stage, since even otherwise within the next three days, the licence is to expire, and the grounds may as well be considered by the Agricultural Produce Market Committee which shall be deciding the application for renewal, which even according to Mr Ghare, the petitioner has already filed.

8. Without expressing anything on the merits of the narrative and counter narrative, we dispose of this petition, leaving all contentions open.

9. We however clarify, that the existing licence shall not be disturbed and shall continue to operate till the same expires/lapses in the ordinary course on 31.3.2023.