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

WRIT PETITION NO.7636 OF 2022
(Devkrupa Rice Mill Parsodi Vs. State of Maharashtra and others)

WRIT PETITION NO.7647 OF 2022
(Shree Sai Ganga Rice Mill, Pahungoan Vs. State of Maharashtra and others)

WRIT PETITION NO.7641 OF 2022
(Pragati Rice Mill Vs. State of Maharashtra and others)

WRIT PETITION NO.7640 OF 2022
(Shankar Rice Mill, Karandla Vs. State of Maharashtra and others)

WRIT PETITION NO.7643 OF 2022
(A.R. Rice Udyog, Bhilewada Vs. State of Maharashtra and others)

WRIT PETITION NO.7644 OF 2022
(Sai Baba Rice Mill Morgoan Vs. State of Maharashtra and others)

WRIT PETITION NO.7642 OF 2022
(Annapurna Rice Seloti Vs. State of Maharashtra and others)

WRIT PETITION NO.7637 OF 2022
(Jai Hind Milling and Sortex Unit Morgoan/Raje Vs. State of Maharashtra and others)

WRIT PETITION NO.7645 OF 2022
(Jai Hind Rice Mill, Rajgaon Moregaon Vs. State of Maharashtra and others)

WRIT PETITION NO.7639 OF 2022
(Shri Janta Rice Mill, Kindhada Vs. State of Maharashtra and others)

WRIT PETITION NO.7638 OF 2022
(Tara Industries, At Mangli Post Khapa Vs. State of Maharashtra and others)

WRIT PETITION NO.7646 OF 2022
(Shivshankar Modern Rice Mill Vs. State of Maharashtra and others)

WRIT PETITION NO.8182 OF 2022
(Bajrang Rice Mill Vs. State of Maharashtra and others)

WRIT PETITION NO.8183 OF 2022
(Maya Rice Mill Industries Vs. State of Maharashtra and others)

Office Notes, Office Memoramda of Coram, appearances, Court's orders of directions and Registrar's Orders.

Court's or Judge's orders.

Mr. A. M. Ghare, Advocate with Mr. R. V. Gahilot, Advocate for Petitioner in respective petitions.
Mr. N. S. Rao, AGP for Respondents 1 to 3/State.

CORAM: ROHIT B. DEO AND MRS. VRUSHALI V. JOSHI, JJ.
DATE: 9th MARCH, 2023.

The petitioner is seeking to quash and set aside the impugned notice dated 30.11.2022 issued by respondent 2 and to stay the proceedings pending on the file of respondent 2 in furtherance of show cause notice dated 30.11.2022 issued by the respondent 2 proposing black listing of the petitioner.

2. The petitioner had entered into agreement with the District Marketing Officer for the purpose of storage of paddy and milling of the said paddy into rice for the Kharip Season 2021-22 and Rabbi Season 2022-23. In the agreement that there are several terms and conditions which the petitioner was bound to abide and for breach of the same, the petitioner is liable to be penalized. Condition 48 says that the decision of the Principal Secretary, Food, Civil Supply and Consumer Protection Department will be binding upon the parties.

3. The Central Government Officers Squad had visited the rice mill of the petitioner from 04.05.2022 to 13.05.2022 wherein major discrepancies were allegedly observed during inspection of food storage depots and rice mills of the Bhandara District. During inspection it was observed that from the rice mills, custom milled rice (CMR) was directly dumped in inside godowns without quality control checks and mandatory records were not maintained. The standard guidelines for storage of preservation of food grains are not followed. On the basis of said report, the

Central Government issued the communication to the State Government. After receipt of said communication the show cause notice dated 02.08.2022 was issued against the petitioner asking to submit his explanation. The government issued letter dated 10.11.2022 to the respondent 2 and another show cause notice dated 30.11.2022 was issued to the petitioner thereby asking why he should not be blacklisted as his rice sample has been declared BRL/ beyond Food Safety and Standard Authority of India Limited (FSSAI).

4. The petitioner is challenging the said show cause notice of blacklisting. Today, we heard both the learned counsels. Both the learned counsels consented that the matter can be remitted to respondent 2 – Collector.

5. By consent, the petitioners shall appear before the Collector on 15.03.2023 at 11:00 a.m. The petitioner shall be heard and shall also be permitted to produce additional material, if necessary, and an appropriate order shall be passed within two weeks from the date of appearance of the parties.

5-A. If the order passed by the Collector is adverse to the petitioners, the same shall not be given effect to for the period of 7 days from the date of its communication to the petitioners.

6. In view of the above said facts, the petitions stand disposed of.

(MRS. VRUSHALI V. JOSHI, J.) (ROHIT B. DEO, J.)

NSN

Digitally Signed ByNITIN SHIVNARAYAN NIKHARE
Signing Date:23.03.2023 14:52