



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

CIVIL APPLICATION (W) NO. 3629 OF 2023
IN
WRIT PETITION NO. 6829 OF 2023 (DECIDED)

Ashru s/o Pralhad Kanade and others **VS.** State of Maharashtra and others

WITH
CIVIL APPLICATION (W) NO. 3628 OF 2023
IN
WRIT PETITION NO. 7500 OF 2023 (DECIDED)

Agriculture Produce Marketing Committee, Risod, Dist.Washim
VS.

State of Maharashtra and others

Office Notes, Office Memorandum of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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CAW 3629 of 2023 :-

Mr. A.M.Ghare, Advocate for the petitioners.
Mr. B.M.Lonare, AGP for respondent Nos.1 to 3.
Mr. M.V.Samarth, Senior Advocate, assisted by Mr. K.P.Mahalle, Advocate for respondent No.4.
Mr. R.V.Gahilot, Advocate for respondent No.5.

CAW 3628 of 2023 :-

Mr. R.V.Gahilot, Advocate for petitioner.
Mr. B.M.Lonare, AGP for respondent Nos.1 to 3.
Mr. M.V.Samarth, Senior Advocate, assisted by Mr. K.P.Mahalle, Advocate for respondent No.4.
Mr. A.M.Ghare, Advocate for the respondent Nos.5 to 7.

CORAM : AVINASH G. GHAROTE J.

DATED : 20th DECEMBER 2023

The applicant/respondent No.4 seeks modification of the order dated 01/12/2023.

2. Mr. M.V.Samarth learned Senior Counsel for respondent No.4 submits that since the appeal under Rule 104 of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Rules 1967

itself was withdrawn by him which was the statement made upon instructions, as a result of which the appeal No.05/2023 itself stood withdrawn with liberty to avail any remedy available in law, on account of which the proceedings before the state Government stood rendered infructuous. The order dated 01/12/2023 does not reflect this position and therefore, needs to be modified.

3. Mr. Ghare learned counsel for the petitioner does not dispute that this was the statement which was made.

4. In light of the above, the order dated 01/12/2023 stands modified as under :-

"Mr.Samarth learned Senior Counsel for respondent No.4 upon instructions withdraws the appeal No.05/2022, which was an appeal under Rule 104 of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Rules 1967 filed by the respondent No.4 with liberty to avail appropriate remedy, available in law. The statement is accepted and appeal No.05/2022 is thus dismissed as withdrawn with liberty to avail appropriate remedy if available in law."

5. In view of the above, the impugned order dated 29/08/2023 is rendered infructuous.

6. Civil Applications are disposed of in the above terms.

JUDGE