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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

909 WRIT PETITION NO. 5484 OF 2024

AGRICULTURAL PRODUCE MARKET COMMITTEE, LATUR,
THROUGH ITS SECRETARY

VERSUS

M/S. SIDDHANT TRADING COMPANY, THROUGH ITS
PROPRIETOR LAXMIRAMAN NARAYANDAS BHUTADA AND
OTHERS

....

Mr V. A. Bagal, Advocate for Petitioner;

Mr V. D. Sapkal, Senior Advocate i/b Mr S. M. Kshirsagar,
Advocate for Respondent No.1

Mr A. B. Girase, G. P. for Respondent Nos.3 to 5

CORAM : RAVINDRA V. GHUGE

AND

Y. G. KHOBRADE, JJ.

DATE : 11th June, 2024

PER COURT:

1. Leave to correct the prayer clauses.
2. By this Writ Petition, the Petitioner prays for a direction to Respondent No.5/Hon'ble Minister, Marketing Department, to decide pending Appeal preferred by the Petitioner under Section 32 and 52 (B)(1)(b) of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963 (for short 'the APMC Act'), within a time frame.

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3. The learned Government Pleader submits on instructions that the Interim Application of the Petitioner would be dealt with by Respondent No.5, on or before 28/06/2024.

4. The learned Senior Advocate Shri. Sapkal along with Shri Kshirsagar, the learned Advocate representing Respondent No.1, submits that, an Appeal preferred by Respondent No.1 under Section 52 of the APMC Act, before the Director, Marketing as per the provisions of law, has already been decided by the said Authority, vide the order dated 16/05/2024, delivered in Appeal No.9/2024. There can be no further Appeal under Section 52 (B) of the APMC Act, inasmuch as, no such Appeal under Section 52(B) of the APMC Act can be preferred before the Minister. The said Appeal preferred by the Petitioner is not tenable in law and the Minister does not have the jurisdiction to entertain the said Appeal.

5. We leave all the contentions of the litigating parties open to be considered by the Minister while deciding the Interim Application of the Petitioner. To make it further clear, if the

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Appeal is not tenable, apparently the Minister will have to pass an order of rejecting the said Interim Application.

6. With all contentions of the parties kept open in the light of the above, **this Writ Petition is disposed off.**

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk