



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

WRIT PETITION NO.7861 OF 2018

Agricultural Produce Market Committee, Wani, Tq: Wani, Dist. Yavatmal, through its Secretary, Shri Ashok Kashinath Zade .Vs. State of Maharashtra, through its Secretary, Department of Co-operative & Textile, Mantralaya, Mumbai and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri M.Y. Wadodkar, Advocate for petitioner.

Ms Soniya Thakur, A.G.P. for respondent Nos.1, 2 and 4/State.

Shri Firdos Mirza, Advocate for respondent No.3.

CORAM : ANIL S. KILOR, J.

DATED : 22/01/2024

1. Heard.

2. The petitioner-Agricultural Produce Marketing Committee (APMC) on 06.09.2013 made a complaint to the respondent No.2 to cancel the license of the respondent No.3 as regards the Private Market Committee, Wani, which came to be rejected by the respondent vide order dated 20.10.2015. The petitioner thereafter filed an appeal before the Hon'ble Minister-respondent No.4 who has rejected the appeal and upheld the order passed by the respondent No.2 vide impugned order dated 09.12.2016. Hence, this writ petition.

3. It is the case of the petitioner – APMC that, the cancellation of license of the respondent No.3 was sought on the ground of breach of conditions of the license for

establishing private market. It is further submitted that, despite sufficient evidence produced before the respondent No.2, the same has not been referred to and considered by the respondent No.2. It is further submitted that, the order is without reasons and despite the same, it has been upheld by the Hon'ble Minister.

4. After going through the order passed by the respondent No.2 dated 20.10.2015, it is apparent on the face of the order that, the order is cryptic and without reasons. The appeal against the same came to be rejected without taking into consideration the above referred fact.

5. Shri Mirza, learned counsel for the respondent No.3 fairly admit the above referred position.

6. In the circumstances, the only option left to this Court to remand the matter back to the respondent No.2 to decide the same afresh after hearing both the parties. Accordingly, I pass the following order :

- i) The writ petition is **partly allowed**.
- ii) The order dated 09.12.2016 passed by the Hon'ble Minister in Appeal No.57 of 2015 and order dated 20.10.2015 passed by the Director

of Marketing, Maharashtra State, Pune in Complaint Dispute Case No.4856 of 2015, are hereby quashed and set aside.

- iii) The matter is remanded back to the respondent No.2 to decide the same afresh after hearing both the parties.
- iv) The respondent No.2 is further directed to decide the complaint of the petitioner within **six months** from the date of appearance of the parties.
- v) The parties are directed to appear before the respondent No.2 on **08.02.2024** at 11.00 a.m.

Writ Petition is **disposed of** accordingly. No order as to costs.

JUDGE