

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

**WRIT PETITION NO.3438 OF 2024**

(Bhagwan Narayan Dhande Vs. The District Deputy Registrar, Co-operative Society,  
Buldhana and others)

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

*Court's or Judge's orders.*

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Mr. P. S. Kshirsagar, Advocate for Applicant.  
Ms. D. I. Charlewar, AGP for Respondent Nos.1 to 3/State.  
Mr. A. M. Tirukh, Advocate for Respondent No.4.  
Mr. A. P. Chaware, Advocate for Respondent No.5.

**CORAM: R. M. JOSHI, J.**

**DATE: 26<sup>th</sup> JUNE, 2025.**

1. After hearing learned Counsel for both sides for some time, learned Counsel for the petitioner submits that from the *roznama* it can be seen that after that the opportunity of hearing was not given by the Tribunal to the petitioner before passing the impugned order. He, therefore, seeks direction to relegate the matter back to the Tribunal for giving an opportunity of oral hearing to the petitioner and the contesting respondent and to pass order afresh.

2. Counsel for the contesting respondent has drawn attention of this Court to the *roznama* which according to him indicates that sufficient opportunity was granted to the petitioner and has none appeared for the petitioner before the Tribunal, impugned order came to be passed.

3. Perusal of the *roznama* indicates that the

opportunity of leading evidence was granted to the petitioner. However, admittedly neither petitioner nor his counsel was not heard by the Tribunal before passing of the order.

4. Section 57(3) of the Maharashtra Agricultural Produce Marketing (Regulation) Act contemplate an opportunity of hearing to the person against whom the recovery is sought. Adequate opportunity needs to be granted. Even if it is accepted that the opportunity of leading evidence was granted to the petitioner, but certainly petitioner was not heard before passing of the order by the Tribunal. Only for this reason the impugned order is set aside. The proceeding is relegated back to the Assistant Registrar of Co-operative Societies, Malkapur, District Buldhana for decision afresh after hearing the submission of both sides. It is clarified that the proceeding is not relegated back to the authority for submitting the party to lead evidence.

5. Needles to say that undisputed document (i.e. document not required to be proved) can be referred during the course of hearing. Parties are directed to appear before the Assistant Registrar on 14.07.2025. No separate notice shall be given to the parties. It is expected from the authority that decision is taken within a period of a month.

**(R. M. JOSHI, J.)**