



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

WRIT PETITION NO. 6704/2025

(THE AGRICULTURE PRODUCE MARKETING COMMITTEE, BARSHITAKLI **VERSUS** THE
HON'BLE MINISTER, COOPERATION, MARKETING AND TEXTILE, STATE OF MAHARASHTRA,
MUMBAI & OTHERS)

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

Court's or Judge's order

Shri R.D. Karode, counsel for the petitioner.
Shri N.S. Autkar, Assistant Government Pleader for the respondent nos.1 and 2.
Shri Z.Z. Haq, counsel for the respondent no.3.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : NOVEMBER 11, 2025

Heard the learned counsels for the parties.

2. The petitioner's challenge is to an interim order passed by the respondent no.1-Hon'ble Minister, Co-operation, Marketing and Textile, State of Maharashtra in Appeal no.50 of 2025 filed purported to be under Section 52(B) of the Maharashtra Agricultural Produce Marketing (Development and Regulation), Act, 1963 (for short, 'the Act of 1963').

3. The primary grievance of the counsel for the petitioner is, the impugned order granting stay to the tender process floated by the petitioner-Agriculture Produce Marketing Committee, Barshitakli is without any notice and opportunity of hearing to the petitioner. The learned counsel submits that the appeal filed by the respondent no.3 raises a challenge to the tender process without raising any challenge to the permission granted by the Director to float the tender. It is also argued that the respondent no.3 has signed the resolution

dated 16.05.2025 and thus cannot raise grievance against the tender process.

4. In response to the notice issued by this Court, learned counsel Shri Z.Z. Haq had appeared for the respondent no.3 and pointed out that the petitioner has filed its appearance before the Hon'ble Minister in Appeal no.50 of 2025 in which the impugned interim order is passed. It is also stated that the petitioner has sought for time to file its reply in the appeal and as such the petitioner has already participated in the proceedings before the respondent no.1. He also submitted that although the respondent no.3 has signed on the resolution, there was in fact no discussion in the meeting regarding the said issue. He submitted that all the issues on merits are pending before the Hon'ble Minister and they will be decided while deciding the appeal on merits.

5. It is pertinent to note that the instant petition raises a challenge to the interim order passed by the Hon'ble Minister in Appeal no.50 of 2025 in which the petitioner has already put in its appearance. Further, a perusal of the impugned order shows that the Hon'ble Minister has observed that there is no compliance with the conditions imposed by the Director while granting permission under Section 12(1) of the Act of 1963 and therefore the respondent no.1 granted the interim relief by staying the tender process. Having regard to the fact that the petitioner has participated in the appeal and is entitled to raise all the issues, no interference is warranted under Article 227 of

the Constitution of India with the impugned order passed by the Hon'ble Minister. Needless to state that the petitioner is entitled to raise all the issues before the respondent no.1-Hon'ble Minister.

6. Hence, the instant petition deserves to be dismissed and the same is dismissed with no order as to cost.

(PRAFULLA S. KHUBALKAR, J.)

APTE