



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

Writ Petition No.1029 of 2025

Gram Panchayat , Sagra, through Its Upsarpanch, Tehsil Bhadravati, District Chandrapur
vs.

State of Maharashtra, through Ministry of Food, Civil Supplies and Consumer
Protection, Mantralaya, Mumbai and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. K.R. Giripunje h/f Dr. Renuka Sirpurkar, Advocate for the Petitioner.
Mr. H.R. Dhumale, A.G.P. for Respondent Nos.1 to 3.
Mrs. A.R. Taiwade, Advocate for Respondent No.4.

CORAM : **ANIL L. PANSARE, J.**

DATE : **5th APRIL, 2025.**

On 25th February, 2025, the following order was passed:

"1. The petition arises out of the licence to run Fair Price Shop at Village Sagra, Tah. Bhadravati, Dist. Chandrapur. The respondent No.4 was holding the said licence. The villagers had lodged complaint with respondent No.3 – District Supply Officer, Chandrapur as regards the irregularities committed by respondent No.4, which includes withholding the fair price essential commodities, discrepancies in weight while distributing the commodities, do not issue receipts, shop not opening regularly and so on.

2. The respondent No.3 after having conducted enquiry and granting hearing to the respondent No.4 found substance in the complaint and thus, cancelled the licence permanently. The said order was assailed by the respondent No.4 before the respondent No.2, but of no avail. The matter was then carried before the respondent No.1, Reviewing Authority under Clause 24(2) of the Maharashtra Scheduled Commodities (Regulation of Distribution) Order, 1975. The respondent No.1 allowed the review, not on the grounds mentioned in Sub-clause (2) of the

Clause 24, but on the ground that respondent No.4 will have no source of income. Accordingly, the respondent No.1 has imposed penalty of Rs.5,000/- and thereby, in a way has certified the findings rendered by the respondent Nos.2 and 3, but permitted respondent No.4 to operate the Fair Price Shop.

3. Issue notice for final disposal at admission stage to the respondents, returnable after four weeks.

4. Shri H. R. Dhumale, learned AGP waives service of notice for respondent Nos.1 to 3.”

02. The learned A.P.P. so also the learned Counsel for respondent No.4 submits that the order under question has been passed by respondent No.1 under clause 24(1) and not under clause 24(2) of the Order of 1975.

03. I have gone through the impugned order. It appears that the revision was filed before respondent No.1 against the order dated 21/08/2023 passed by the respondent No.2. Clause 24 of the Order of 1975 is divided into three parts. The first clause deals with the revisional power of the State Government; the second clause deals with the power of review and the third clause refers to re-review. The order impugned appears to have been passed under sub-clause (1) of Clause 24 of the Order of 1975. The petitioner, therefore, appears to have incorrectly argued that respondent No.1 has travelled beyond jurisdiction under Clause 24(2) of the Order of 1975.

04. At the request of the learned Counsel for the petitioner, stand over after three weeks.

05. In the meantime, the respondents may file reply.

(Anil L. Pansare, J.)