



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 15139 OF 2025

1. Mr. Rohidas Harishchandra Dangade
Age : 41 years, occ : Agriculturist,
R/o. Ghugalwadgaon village, Tq. Shrigonda,
Dist. Ahilyanagar.
2. Mr. Sunil Ramdas Pawar
Age : 51 years, occ : Agriculturist,
R/o. Ghugalwadgaon village, Tq. Shrigonda,
Dist. Ahilyanagar.
3. Mr. Raosaheb Ramrao Dangade
Age : 36 years, occ : Agriculturist,
R/o. Ghugalwadgaon village, Tq. Shrigonda,
Dist. Ahilyanagar.
4. Mr. Milind Sanjay Kadam
Age : 34 years, occ : Agriculturist,
R/o. Ghugalwadgaon village, Tq. Shrigonda,
Dist. Ahilyanagar.
5. Mr. Ravindra Bhimrao Galande
Age : 37 years, occ : Agriculturist,
R/o. Ghugalwadgaon village, Tq. Shrigonda,
Dist. Ahilyanagar.

.... PETITIONERS

VERSUS

1. The State of Maharashtra
Through its Secretary,
Dept. of Food, Civil Supplies
& Consumer protection,
Mantralaya, Mumbai.
2. The Deputy Commissioner (Supply)
Nashik Division, Nashik.
3. The District Supply Officer
Dist. Ahilyanagar.

4. The Tehsildar, Shrigonda
Dist. Ahilyanagar.
5. Mr. Dattatraya Govind Dangade
Age : Major, occ : Business,
R/o. Ghugalwadgaon, Tq. Shrigonda,
Dist. Ahilyanagar.

... RESPONDENTS

Mr. V. D. Sapkal, Senior Advocate i/b Mr. S. R. Sapkal and Mr. A. S. Gadekar,
Advocate for Petitioners

Mr. S. N. Kendre, AGP for Respondent Nos.1 to 4/State

Mr. S. E. Shekade, Advocate for Respondent No.5.

CORAM : S. G. CHAPALGAONKAR, J.

RESERVED ON : 12th JANUARY, 2026

PRONOUNCED ON : 24th FEBRUARY, 2026

FINAL ORDER :-

1. Present Writ Petition takes exception to order dated 08.1.2025 passed by Hon'ble Minister of Food, Civil Supplies, and Consumer Protection Department, Maharashtra State, whereby order passed by Deputy Commissioner (Supply), Nashik Division, Nashik dated 15.01.2025 has been quashed and set aside and order dated 19.03.2025 passed by District Supply Officer, Ahilyanagar is restored.

2. The Petitioners herein filed complaint alleging that Respondent No.5 who is license holder of Fair Price Shop, indulged in black marketing of food grains. Eventually, Respondent No.4 -Tahsildar, Shrigonda caused inquiry and submitted report dated 31.01.2022 to Respondent No.3 -District Supply

Officer. On 11.03.2022 Respondent No.3 suspended license of Respondent No.5 and directed Tahasildar to enquire with all card holders attached to fair price shop and submit detailed report within a period of 15 days. Respondent No.5 challenged said order before Respondent No.2 -Deputy Commissioner (Supply), Nashik in revision filed under Section 24 of Maharashtra Scheduled Commodities (Regulation of Distribution) Order, 1975. Respondent No.2 allowed revision application and remanded matter to Respondent No.3 to cause inquiry with 80% of card holders.

3. In pursuance to aforesaid order, Respondent No.3 caused inquiry. The statement of about 183 card holders out of 265 was recorded. The total 140 card holders recorded their satisfaction with the services rendered by Respondent No.5. Although few card holders had some complaints, online record regarding distribution did not supports Respondent No.5. Accordingly, Respondent No.3 observed that complaints against Respondent No.5 pertinent to black marketing of goods, are without substance. No offence is registered against Applicant as alleged by Complainants/Petitioners. Eventually, order of restoration of license was passed. Aggrieved Petitioners filed Revision No. 30/2024 before Respondent No.2 who allowed revision application and set aside order of Respondent No.3. The aggrieved Respondent No.5 approached Hon'ble Minister, who restored order passed by

Respondent No.3 subject to deposit of fine of Rs.10,000/- and forfeiture of security deposit vide impugned order dated 09.08.2025.

4. Mr. V. D. Sapkal, learned Senior Advocate appearing for Petitioners, would submit that all the three authorities have concurrently held that Respondent No.5 was guilty of breach of conditions of license. Even Hon'ble Minister indirectly accepted that Respondent No.5 was guilty of misconduct, hence imposed a fine of Rs.10,000/- for restoration of license. He would submit that Clause 24 (1) and (2) of Maharashtra Scheduled Commodities (Regulation of Distribution) Order, 1975 could not have been resorted. Once Respondent No.5 was found guilty of breach of license conditions, there was no scope to direct restoration of license of Respondent No.5. In support of his contention, Mr. Sapkal relies upon observations of this Court in following cases.

(i) Shivaji Tulshiram Thakre Vs. State of Maharashtra & Ors., 2012(6) Bom.C.R. 602.

(ii) Nagorao Parshuram Sugave & Anr. Vs. State of Maharashtra & Ors., 2013 BCI 584.

5. Per contra Mr. S. E. Shekade, learned Advocate appearing for Respondent No.5 supports impugned order. He would submit that although there were some irregularity in stock record that itself cannot not be reason to

cancel license. The Respondent No.2 in his order dated 15.01.2025 observed that there were irregularities in distribution of food grains, but there is no material depicting misappropriation etc. In support of his contention, Mr. Shekade, learned Advocate for Respondent No.5 placed reliance on following judgments.

- (i) Bachhaj Nahar Vs. Nilima Mandal and Another, (2008) 17 SCC 491.
- (ii) Pradip Kumar Paswan Vs. State of Bihar through Secretary and others, 2021 SCC OnLine Pat 476.
- (iii) Ediga Usha Rani Vs. State of Andhra Pradesh, AIR 2021 AP 14
- (iv) Allahabad University Etc. Vs. Geetanjali Tiwari (Pandey) & Ors. Etc. in Civil Appeal No. 12411-12414 of 2024, dtd. 18.12.2024.
- (v) Raghuvir Prasad, son of Late Munna Sao Vs. The State of Bihar through Department of Food and others, 2015 SCC OnLine Pat 2288
- (vi) Arun Singh alias Arun Kumar Singh Vs. the State of Bihar through its Additional Chief Secretary and others in Civil Writ Jurisdiction Case No. 9309 of 2020, dated 31.01.2022.

6. Having considered submissions advanced, it can be observed that on the basis of complaint of misappropriation/black marketing made by Petitioners, enquiry was caused and report was made. A perusal of order of Hon'ble Minister shows that order of restoration of license in favour of Respondent No.5 is passed looking to the nature of allegations and report of inquiry. Although, initially there were allegations regarding misappropriation/

black marketing of goods, during inquiry conducted by Tahasildar or District Supply Officer, aforesaid allegations could not be supported by material. The impugned order depicts that there is reference of registration of Crime No. 26 of 2017 against Respondent No.5 for offences punishable under Sections 3 and 7 of Essential Commodities Act. However, enquiry suggests that no such offence ever registered against Respondent No.5. The remarks in enquiry suggest marginal difference in stock compared to record. Apparently online record nowhere suggest illegality in distribution of goods. Considering the nature of irregularity, District Supply Officer as well as Hon'ble Minister found that imposing fine of Rs.10,000/- with forfeiture of security deposit would be sufficient penalty to Respondent No.5. Accordingly directed restoration of his license.

7. Although Mr. Sapkal, learned Senior Advocate relied upon the observations of this Court in case of ***Shivaji Tulshiram Thakre*** and ***Nagorao Parshuram Sugave*** (supra). Both these cases are distinguishable on facts. In case of ***Shivaji Tulshiram Thakre*** (supra), the misappropriation of Rs.1,47,440/- was proved against license holder. The proceedings were decided against him up to the Hon'ble Minister. However, Hon'ble Minister reviewed his order regarding cancellation of Fair Price Shop and directed restoration of license subject to deposit of the misappropriated amount with

fine. In this backdrop, this Court observed that the powers under Section 24(2) of Maharashtra Scheduled Commodities (Regulation of Distribution) Order, 1975 could not have been invoked by Hon'ble Minister.

8. In second case of *Nagorao Parshuram Sugave* (supra) there was finding as regards the serious irregularity in conduct of Fair Price Shop. Accordingly, cancellation of license was directed. In this backdrop, this Court observed that restoration of license on condition of deposit of misappropriated amount and fine cannot be countenanced. In facts of present case, this Court do not find serious irregularity or infirmity in conduct of shop on part of Respondent No.5. Even allegation of black marketing made in complaint by Petitioners could not be established in enquiry. The Hon'ble Minister has restored the order passed by District Supply Officer, wherein adequate reasons are recorded for restoration of license.

9. In that view of matter, this Court do not find any reason to interfere under Article 227 of Constitution of India. Writ petition stands rejected accordingly.

(S. G. CHAPALGAONKAR, J.)

ssp