



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.4194 OF 2026**

AGRICULTURAL PRODUCE MARKET COMMITTEE
SHRIGONDA, TQ. SHRIGONDA DIST. AHILYANAGAR AND
ANOTHER
VERSUS
DIRECTOR OF MARKETING, MAHARASHTRA STATE, PUNE
AND OTHERS

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Mr. Mahesh Deshmukh h/f Mr. Umesh B. Gite, Advocate for
Petitioners
Mr. S. K. Shirse, AGP for Respondent-State.
Mr. V. R. Dhorde, Advocate for Respondent No.3.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 28th APRIL, 2026.**

ORDER:-

1. The present Writ Petition takes exception to order dated 23.03.2026 passed by respondent no.1/Director of Marketing, Maharashtra State, Pune, thereby directing re-audit of accounts of petitioner no.1/APMC for financial year 2023-2024 and 2024-2025 under provisions of sub-rule (7) of Rule 116 of Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963 and Rules of 1967 (for short 'APMC Rules, 1967').

2. The petitioner no.1 is Marketing Committee through its In-charge Secretary Rajendra Bajirao Lagad and petitioner no.2 is Chairman of petitioner/Market Committee. One of Director namely Sajan Pachpute had made an application under Rule 10(3) of APMC (Election) Rules, 2017 before respondent no.2 seeking disqualification of petitioner no.2 as Director of APMC. The

respondent no.2 was pleased to pass order of disqualification. Now subject matter is pending before this Court in Writ Petition No.13646/2025.

3. According to Mr. Mahesh Deshmukh, learned Advocate appearing for petitioners, although disqualification order passed against petitioner no.2 is stayed by this Court, respondent no.3 initiated another proceeding before respondent no.1/Director of Marketing for change of Special Auditor and re-audit of petitioner no.1 on very same issues, which were subject matter of disqualification proceeding against petitioner no.2. The respondent no.1/Director of Marketing served notice of hearing to petitioners on application filed by respondent no.3 seeking re-audit of petitioner no.1. However, without giving sufficient opportunity of hearing to petitioners, impugned order directing re-audit of petitioner/APMC for the year 2023-2024 and 2024-2025 has been passed. Mr. Deshmukh would invite attention of this Court to communications issued by MLA, which according to him depicts political intentions behind passing impugned order.

4. Per Contra, Mr. Dhorde, learned Advocate appearing for respondent no.3, supports impugned order.

5. Having considered submissions advanced by learned Advocates appearing for respective parties, it can be observed that

impugned order has been passed by respondent no.1/Director of Marketing in exercise of powers under Sub-rule (7) of Rule 116 of APMC Rules, 1967. Undisputedly, Director is vested with sufficient power to direct re-audit, if he is satisfied that it is necessary or expedient. Rule 116 of APMC Rules, 1967 provides that every Market Committee shall maintain account books and same shall be audited annually by Auditors of Co-operative Department. The Auditor is under obligation to report to Committee and Director or officer authorized by him, any material defect or irregularity observed by him in accounts of Committee. The powers of the Director to direct re-audit are not circumscribed by any express restriction. It depends on his subjective satisfaction as to requirement of such exercise.

6. *Prima facie*, this court finds that Director has administrative control over functioning of APMC and Sub-rule (7) of Rule 116 of APMC Rules, 1967 is aimed to supervise over accounts and expenditures of committee with a view to avoid loss, waste or misappropriation of money or property owned by or vested in Committee. This court does not find provision requiring grant of opportunity of hearing to Market Committee before exercise of powers conferred under Sub-rule (7) of Rule 116 of APMC Rules, 1967. Such powers are purely administrative in nature. Neither Director exercises *quasi judicial* power nor does he adjudicate any

issue while passing order of re-audit. The re-audit does not cause direct prejudice to APMC. This Court do not find any reason to entertain writ petition against such order under Article 227 of Constitution of India.

7. In present case, it is contention of petitioners that respondent no.1 has exercised powers on extraneous or political influence because only one MLA demanded re-audit. However, this Court cannot countenance with such contention. The reliance of petitioners on observations of Supreme Court in case of *State of Madhya Pradesh and Others Vs. Sanjay Nagayach and Others*¹ appears to be misplaced. In facts of this case, this Court do not find any reason to interfere in impugned order. Needless to state here that, all points on merit are kept open for agitation before appropriate authority at appropriate stage.

8. In result, Writ Petition stands rejected.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/April-2026