
(2011) 11 UK CK 0033

In the Uttarakhand High Court

Case No : Writ Petition No. 2435 (M/S) of 2011

M/s BST Textiles Mill Pvt. Ltd. and others

APPELLANT

Vs

State of Uttarakhand and another

RESPONDENT

Date of Decision : 17-11-2011

Acts Referred:

Citation : (2011) 11 UK CK 0033

Hon'ble Judges : Tarun Agarwala, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Hon"ble Tarun Agarwala, J.—Heard Mr. M.L. Lahoti, the learned senior counsel assisted by Mr. Lalit Sharma, the learned counsel for the petitioners, Mr. H.M. Raturi, the learned Standing Counsel for the State/respondent no. 1 and Mr. J.C. Belwal, the learned counsel for the respondent no. 2

2. The petitioners have questioned the veracity of the notice dated 31st October, 2011 issued by the Agricultural Produce Marketing Committee, Rudrapur, intimating the petitioners that the Uttarakhand Agricultural Produce Marketing (Development and Regulation) Act, 2011, has come into force w.e.f. 1st November, 2011 and that all the activities would be carried on only in accordance with the provision of the said Act. The petitioners have filed the present writ petition on the ground that they are manufacturers of cotton yarn and are not covered under this Act. The contention is that agricultural produce as specified in the Schedule under the Act is "cotton" and not "cotton yarn" and the petitioners are only manufacturing cotton yarn, which is not a processed form of cotton. It was also contended that the petitioners are purchasing cotton bales and are paying market fee and consequently, are not liable to pay any further market fee on the end product manufactured by them. The petitioners are not dealers or buyers and are manufacturers and for all this no evidence is required to be given and consequently, the writ petition should be entertained. In support of his submission, the learned senior counsel for the petitioners has placed reliance

upon a decision of the Division Bench of the Himachal Pradesh High Court in the matter of M/s Winsome Textile Industries Ltd. vs. State of Himachal Pradesh & others, decided on 19th November, 2007, wherein it has been held that cotton yarn is not an agricultural produce.

3. Having heard the learned counsel for the petitioners at some length, the Court is of the opinion that only a basic notice has been issued intimating the petitioners about the enforcement of the Act. In the event the petitioners are of the opinion that the Act is not applicable, they can easily reply to the said notice to the authority concerned about the applicability or the non-applicability of the Act. If further process is started by the authority concerned, and if the authorities demand any market fee, it would be open to the petitioners to contest the same before the appropriate authority or court. At this stage, the Court is not inclined to entertain the writ petition. The writ petition is dismissed.