

(2023) 03 BOM CK 0103
In the Bombay High Court
Case No : Writ Petition No.886 Of 2023

M/S. Subhash Prakash And Company	APPELLANT
Vs	
State Of Maharashtra And Others	RESPONDENT

Date of Decision : 27-03-2023

Acts Referred:

Maharashtra Agricultural Produce Market Committee (Election To Committee) Rules,
2017 — Rule 6, 7
Maharashtra Agricultural Produce Marketing (Development And Regulation) Act, 1963
— Section 13(1)(b)

Citation : (2023) 03 BOM CK 0103

Hon'ble Judges : Arun R. Pedneker, J

Bench : Single Bench

Advocate : V. D, A. D. Sonkawade, A. V., K. B. Jadhavar, V. H. Dighe, V. B. Patil,
G. V. Wani, . D. Sapkal, S. R. Sapkal

Final Decision : Dismissed

Judgement

Arun R. Pedneker, J

1. Heard.
2. Rule. Rule returnable forthwith. With consent of parties, matter is taken up for final hearing.
3. By the present petition, the petitioner raises objection to the impugned order dated 02.12.2022, whereby the claim of the petitioner has been rejected by the election authority.
4. The petitioner was a trader in the APMC – Newasa. It is the contention of the petitioner that he holds a trading license in the APMC – Newasa. Somewherer in the year 2015, the petitioner has contested election for the APMC and as the elections were due the provisional voters list was published. However, the name of the petitioner was not shown in the provisional voters list. The petitioner applied to the returning officer for inclusion of his name in the APMC. The

returning officer issued notice to the APMC and the APMC has filed its say to the objection raised by the petitioner. On consideration of the objection raised by the petitioner, the respondent no.2 held that the petitioner does not have the trading license since the license has not been renewed. In absence of renewal the petitioner does not hold the valid traders license and since the petitioner does not have a traders license for a period of 2 years as contemplated under Section 13(1)(b) of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963, the name of the petitioner is not shown in the provisional voters list and accordingly rejected the claim of the petitioner. Today, in Writ Petition No.516 of 2023, I have held that the claims and objections received under Rule 7 of the Maharashtra Agricultural Produce Market Committee (Election to Committee) Rules, 2017 are to be decided by the election officer summarily and limited enquiry is contemplated. The election authority under Rule 7 of the Maharashtra Agricultural Produce Market Committee (Election to Committee) Rules, 2017 can verify whether the trader has license for two years as contemplated under Section 13(1)(b) of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963 read with Rule 6 of the Maharashtra Agricultural Produce Market Committee (Election to Committee) Rules, 2017. The inquiry is summary in nature and very limited. The authority cannot go into the validity of grant of license or renewal of license and as such the election authority has rightly not gone into the issue of the validity of renewal of license of the petitioner.

5. In view of the same, the present writ petition stands dismissed. Rule is discharged.