
(1997) 07 AHC CK 0168
In the Allahabad High Court
Case No : C.M.W.P. No. 24423 of 1997

Vijay Bahadur Patel

APPELLANT

Vs

State of U.P. and others

RESPONDENT

Date of Decision : 29-07-1997

Acts Referred:

Uttar Pradesh Regulation of Cold Storages (Amendment) Act, 1997 — Section 29(3)

Citation : (1998) 1 AWC 569

Hon'ble Judges : P.K. Jain, J; M. Katju, J

Bench : Division Bench

Advocate : Prabhakar Singh, for the Appellant;

Final Decision : Dismissed

Judgement

M. Katju and P.K. Jain, JJ.—Heard learned counsel for the petitioner and learned standing counsel.

2. By means of this petition the petitioner is challenging the validity of the U. P. Regulation of Cold Storages (Amendment) Act, 1997 being U. P. Act No. 2 of 1997. Earlier before the amendment the U. P. Regulation of Cold Storages Act, 1976 provided that the State Government could fix the maximum charges for storing agricultural produce in the Cold Storages. However, by this amendment, now the maximum charges can be fixed by the licence, but any one who has any grievance can approach the State Government u/s 29 (3) of the Act for reducing the charges on the ground that they are unreasonably high.

3. We find no unconstitutionality in the aforesaid U. P. Act No. 2 of 1997. Whether there should be a maximum charge or not is for the Legislature to decide, and not for this Court. This Court cannot compel fixing maximum charges. The impugned amendment has only modified the earlier law, and it has now provided that the licensee itself can fix the maximum charges subject to reduction of the rate by the State Government. In other words. In the first instance the maximum charges will be fixed by the licensee itself. However, the said amendment has still

given a benefit to the agriculturists in the sense that if they think that the charges are unreasonably high, they can approach the State Government which can reduce them u/s 29 (3). This is an age of liberalisation and it is not for this Court to impose controls. Thus, we uphold the validity of U. P. Act No. 2 of 1997.

4. However, we dispose of this petition finally with the direction that if the petitioner makes a representation u/s 29 (3) to the State Government on the ground that the charges fixed by the Cold Storages are unreasonably high, the same will be decided by the authority concerned within a month thereafter in accordance with law after hearing the parties concerned.