

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.1578/2023

The Amravati Agricultural Produce Marketing Committee (APMC), Amravati
Through its Secretary
...Versus...
Parmanand Ramavtar Agrawal and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri R.P. Joshi, Advocate for petitioner

CORAM : AVINASH G. GHAROTE, J.

DATE : 14/03/2023

1. Heard Shri R.P. Joshi, learned counsel for the petitioner.
2. The petition challenges the order dated 18/11/2022, passed by the respondent no.2 in his powers under Section 43 of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963 (for short, "the APMC Act", hereinafter), whereby the Resolution dated 08/09/2020 (pg.20) passed by the Agricultural Produce Marketing Committee, Amravati, indicating the respondent no.1, to be in arrears of Cess to the tune of Rs.114.38 lakhs including interest and the communication dated 15/02/2021 calling upon him to make the payment, failing which, action

under the APMC Act would be initiated, has been quashed and set aside by the respondent no.2. It is contended that where a sum is due to the Market Committee and a question arises whether it is due or not, the matter has to be referred to and decided by the Tribunal, constituted under Section 57 (3) of the APMC Act and the respondent no.2 would have no power and jurisdiction under Section 43 of the APMC Act. Section 57 (3) of the APMC Act indicates this position, considering which, issue notice for final disposal to the respondents, returnable on 27/03/2023.

3. Assistant Government Pleader Shri N.R. Patil waives service of notice for the respondent no.2/State.

4. The petitioner is permitted to serve the respondent no.1 by all modes of service permissible in law including Hamdast.

(AVINASH G. GHAROTE, J.)

Wadkar