

IN THE HIGH COURT OF JHARKHAND AT RANCHI  
W.P. (C) No. 1929 of 2014

Shree Shakambari Industries (P) Ltd. --- --- ---- Petitioner  
Versus

1. The Union of India through the Secretary, Ministry of Consumer Affairs,  
Food and Public Distribution, Department of Food and Public Distribution
2. The State of Jharkhand through the Secretary,  
Department of Consumer Affairs, Food and Public Distribution
3. Food Corporation of India through its General Manager, Jharkhand
4. Area Manager, Food Corporation of India, Dhanbad
5. Jharkhand State Agricultural Produce Marketing Board through  
its Managing Director
6. Agricultural Produce Marketing Committee, Pakur  
through its Secretary --- --- --- Respondents

CORAM: The Hon'ble Mr. Justice Aparesh Kumar Singh

For the Petitioner: Mr. Sumeet Gadodia, Advocate

For the Resp - State: JC to GP-III

For the Resp – UOI: JC to ASGI

For the Resp No. 3&4: Mr. Satish Bakshi, Advocate

For the Resp No. 5&6: Mr. Mrinal Kanti Roy, Advocate

03/ 13.06.2016 Petitioner, a rice mill owner, has sold rice to the Food Corporation of India in the nature of compulsory levy to the extent of 50% of total produce, for which statutory levy of 2% as market fee is chargeable under the Notification of the State Government through the Jharkhand State Agricultural Produce Marketing Board. However, Food Corporation of India has reimbursed the petitioner's market fee at the rate of 1% being guided by the Minimum Support Procurement Price fixed by the Government of India, as evident from letter at Annexure-2 dated 20.11.2008. Notification of 2% market levy under the provisions of section 27 of Jharkhand Agricultural Produce Market (Amendment) Act, 2007 was published in the extraordinary Gazette on 06.12.2008. Procurement has been made in the period 06.12.2008 till 10.10.2011. Petitioner has been directed to make payment of market fee at the rate of 2% to the Respondent No. 6 - Agricultural Produce Marketing Committee, Pakur. In view of the aforesaid state of facts, petitioner has approached this Court.

2. The Food Corporation of India, in its counter affidavit, justifies this stand based upon the instruction of Government of India at Annexure-C dated 20.11.2009. Respondent No. 5 and 6 have taken stand that the levy is statutory and liability

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cannot be escaped. Respondent Union of India and State Government both should come out with their stand as the exaction of levy and payment thereof is in respect of the instrumentalities of the State and the Union of India. Both respondents are therefore allowed four weeks to file their response, by way of counter affidavit.

3. List the case accordingly after four weeks under the appropriate heading.

Ranjeet/

**(Aparesh Kumar Singh, J)**