



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11553 OF 2025
WITH
INTERIM APPLICATION (ST.) NO.29650 OF 2025

VASANT
ANANDRAO
IDHOL

Digitally signed
by VASANT
ANANDRAO
IDHOL
Date: 2025.09.23
20:18:22 +0530

1. Hukumchand Govindrao Aamdare)

Age : 68 Years, Occ. : Agri., R/o.)

Civil Line, Nagpur, District – Nagpur)

2. Ashok s/o. Govindrao Dak)

Age : 58 Years, Occ. : Agri.,)

R/o. Hanuman Chowk, Majalgaon,)

Tq. Majalgaon, Dist. Beed)

3. Jaydatta Sitaram Holkar,)

Age : Adult, Occ. : Agri.,)

R/o. At Post Lasalgav,)

Tq. Niphad, Dist. Thane.)

4. Mina Mahadu Rathod)

Age : 45 Years, Occ. : Agri. &)

Household, R/o. Pishor,)

Tq. Kannad,)

Dist. Chhatrapati Sambhajinagar)

5. Shilpa Shivaji Patil)
Age : 45 Years, Occ. : Agri. &)
Household, R/o. Sangli) ... Petitioners

V/s.

1. The State of Maharashtra)
Through the Secretary)
Marketing Department,)
Maharashtra State, Mantralaya,)
Mumbai - 32)
2. The State Co-operative Election)
Authority, Maharashtra State,)
Pune, Ground Floor,)
Old Central Building, Pune.)
3. The Director of Marketing,)
Maharashtra State, Pune 3rd Floor)
New Central Building, Pune – 001)
4. The Deputy Registrar and District)
Election Officer Co-op. Societies,)
Thane, Gavdevi Bhaji Market,)

Thane (W)-602

5. Mumbai Agricultural Produce)
Market Committee,)
Administrative Building,)
Sector – 18, Vashi,)
Navi Mumbai – 400 703) ... Respondents

Mr.Nitin Gaware Patil with Mr.Divyesh Jain for the Petitioners.

Mr.B.V. Samant, Addl.GP with Mr.Ketan Joshi 'B' Panel Counsel
for the Respondent – State.

Mr.Umeshchandra Yadav for Respondent No.4.

**CORAM: REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.**

DATE OF RESERVE : 12TH SEPTEMBER, 2025
DATE OF PRONOUNCEMENT : 23RD SEPTEMBER, 2025

JUDGMENT (Per Sandesh D. Patil, J.): -

1. Rule. Rule returnable forthwith by consent of the parties
and heard finally.

2. By the present Writ Petition, the Petitioners are praying
for a declaration that inaction on the part of the Respondents in
not deciding proposal dated 7th August, 2025 for extension of the

term of the office of the Managing Director of Respondent No.5 is illegal, arbitrary and violative of Articles 14 and 19(1)(c) of the Constitution of India. The Petitioners also prayed for a writ of mandamus to extend the term of the office of the Managing Director for a further period of six months starting from 31st August, 2025. There were other reliefs prayed as well.

3. During the pendency of the Writ Petition, Respondent No.3 passed the order dated 29th August, 2025 appointing Respondent No.6 as an Administrator.

4. It is the contention of the Petitioners that the first meeting of Respondent No.5 was held on 31st August, 2020. It is contended by the Petitioners that as per the provisions of Section 15 of the Agricultural Produce Market Committee (APMC Act), 1963, the term of five years of Respondent No.5 – APMC was to expire on 31st August, 2025. It is further contended that the Respondents ought to have taken steps to hold elections of Respondent No.5 within the prescribed time, however, the Respondents did not take steps for holding elections. The then

Managing Committee of Respondent No.5 had entered into correspondence with Respondent No.4 for holding elections. It is contended that by virtue of Section 14 of 1963 Act it was necessary for Respondent No.1 to decide the proposal submitted by Respondent No.5 within the stipulated time. The Petitioners contended that the Petitioners and Respondent No.5 have taken active steps for compiling preliminary voters list and have also deposited election fund with Respondent No.4 by way of Demand Draft of Rs.15,00,000/-. It is contended that inspite of all steps taken by the Petitioners, the Respondents have not held election and have simply sat over the application / proposal of the Petitioners. The Respondents have over looked Section 14 as well as Section 15 of the APMC Act.

5. The Petitioners relied upon the judgment in the case of **Babasaheb Apparao Akat & Ors. vs. State of Maharashtra & Ors.** **2010 SCC OnLine Bombay 175.** (Coram: A.M. Khanwilkar & S.S. Shinde, JJ). The Petitioners have contended that this Hon'ble Court has set aside appointment of Administrator as proposal of petitioner was pending. It held that in that case similar facts arose

where inspite of proposal for extension being pending the Respondents proceeded to straightaway appoint an Administrator to take over the office of Respondent No.5's Managing Committee.

6. The Petitioners in support of their contentions have also relied upon the judgment of the Bombay High Court, Aurangabad Bench in Writ Petition No.2364 of 2016 (Coram: S.V. Gangapurwala, & A.I.S. Chima, JJ.) in the matter of **Arun Babasaheb Dake & Ors. vs. The State of Maharashtra & Ors.** which has relied upon the judgment in the case of **Babasaheb Apparao Akat & Ors.** (supra) where it is held that the scheme of Act of 1963 does not provide for axiomatic appointment of administrator upon expiry of the term.

7. The learned Addl. GP Mr.Samant for the Respondents contended that by virtue of Section 15A of the APMC Act, they are entitled to appoint an Administrator as the term of the existing Managing Committee of Respondent No.5 had come to an end. It was contended that the power to appoint an Administrator stems

from Section 15A of the APMC Act, 1963.

8. Mr. Samant, learned Addl.GP for the Respondent - State further states that an Administrator was rightly appointed. He contended that Section 15A provides for appointment of an Administrator after normal or extended term of office of members expires. He contends that the Petitioners have got no right to continue after the expiry of tenure. He further states that it is the discretion of the State to grant extension for a period of 6 months from time to time in exceptional circumstances. He further contended that there was no right vested in the Petitioners to get the term extended. In support of his submissions, he relied upon the following judgments: -

i) Writ Petition no. 4332 of 2013 by this Hon'ble Court at the Nagpur Bench delivered on 17.10.2013 in the case of ***Uddhav Shalikram Geete vs. State of Maharashtra & Ors.***

ii) Writ Petition No. 4480 of 2013 by this Hon'ble Court at the Nagpur Bench delivered on 17.10.2013 in the case of ***Sanjay Sadashiv Patil vs. State of Maharashtra & Ors.***

iii) Writ Petition No. 3855 of 2016 by this Hon'ble Court at the Nagpur Bench delivered on 15.07.2016 in the case of ***Ganuji Devaji There & Anr.***

vs. The State of Maharashtra & Ors.

iv) Writ Petition No. 1283 of 2015 by this Hon'ble Court at the Nagpur Bench delivered on 20.04.2015 in the case of **Ravindra Mahadeorao Kashti & Ors. vs. State of Maharashtra & Ors.**

9. Having heard the parties at length, it is clear that the first meeting of the Management Committee of Respondent No.5 was held on 31st August, 2020 and as per the provisions of Section 14 of APMC Act, the term of the Managing Committee would be in force for a period of five years, which would expire on 31st August, 2025.

10. Section 14 of the Maharashtra Agricultural Produce Marketing Development and Regulation) Act, 1963 provides for election and term of office of the members. Section 14(1) and (3) are the provisions which are relevant to decide the subject matter.

Section 14(1) and 14(3) read as under:

14. Election and term of office of members- (1) *Subject to the provisions of sub-section (2), the members shall be elected in the manner prescribed by rules. Such rules may provide also for the determination of constituencies, the preparation and maintenance of the list of voters, persons qualified to be elected, disqualifications for being chosen as and for being a member, the right to vote, the payment*

of deposit and for its forfeiture, the determination of election disputes and all matters ancillary thereto including provision regarding election expenses.

(2) ...

(3) Except as otherwise provided in this Act, the members of a Market Committee (not being a Committee constituted for the first time) shall hold office for a period of five years, and the members of a Committee constituted for the first time shall hold office for a period of two years:

Provided that, the Market Committee constituted for the first time, may be replaced by the Government and the new Committee so replaced shall hold office for the remainder of the period.

Provided further that, where the general election of members of a Committee could not be held for reason beyond the control of the Committee before expiry of the term of office of its members as aforesaid, the State Government may, by order in the Official Gazette, extend from time to time, the term of office of any such Committee, so however, that the period for which the term of office is so extended shall not exceed the period of one year in the aggregate.

Section 15 provides for commencement of Term of Office of member. Section 15 reads as under:

15. Commencement of term of office of members- (1)
The term of office of members of a Market Committee shall be deemed to commence on the date of the first meeting of the Market Committee at which business is transacted: 13[Provided that, a person who is a member by virtue of his being a representative, or

holding office, or holding licence belonging to any of the categories of members referred to in sub-section (1) or (1A) of section 13, shall hold office as such member so long only as he continues to be representatives or to hold such office or such licence and on his ceasing to be such representative or holding such office or licence he shall cease to be such member and he shall be deemed to have vacated his office.

Explanation- *For the purposes of this section, the date of the first meeting of the Market Committee at which business is transacted shall be the date of the meeting called under sub-section (2) of section 22 for the election of the Chairman and Vice-Chairman.]*
(2) ...

Section 15A was inserted by 10 Act of 1984. It provides for Appointment of Administrator after normal or extended term of office of members expires.

Section 15A(1) is the relevant provision with which the present matter is governed. Section 15A (1) reads as under:

15A. Provision for appointment of administrator after normal or extended term of office of members expires-
(1) Notwithstanding anything contained in sub-section (3) of section 15 or any other provisions of this Act, where the term of office of two years, five years or as the case may be, the extended term of office, if any, under the proviso to sub-section (3) of section 14 of the member of any Market Committee has expired, the Director or any officer not below the rank of the District Deputy Registrar of Co-operative Societies, authorised by him shall, by order in writing direct that—

- (a) *all members of the Committee shall, as from the date specified in the order, cease to hold and vacate their offices as members or otherwise; and*
- (b) *the Administrator or the Board of Administrators of not more than seven members appointed by the Director or such authorised officer shall manage the affairs of the Committee], during the period from the date specified in the order upto the day on which the first meeting of the reconstituted Committee after the election is held, where there is a quorum (hereinafter in this section referred as “the said period”) such election shall be held within a period of six months from the date the Administrator or the Board of Administrators assumes office:*

Provided that this period of six months may be extended, from time to time by the State Government, in exceptional circumstances, to a period not exceeding one year in the aggregate, by notification in the Official Gazette, for reasons, which shall be stated in the notification.

(1A) Notwithstanding anything contained in clause (b) of sub-section (1), as it stood before the commencement of the Maharashtra Agricultural Produce Marketing (Regulation) (Amendment and Validation) Act, 1985 (Mah. XXV of 1985), where the Administrator has been appointed to manage the affairs of any Committee but election to such Committee has not been held within a period of one year as required under clause (b) of sub-section (1), the period of holding election to such Committee shall be extended and shall be deemed always to have been extended upto and inclusive of, the 31st day of March 1986.

(2) During the said period, all the powers and duties of the Committee and its various authorities

under this Act and the rules and bye-laws made thereunder or any other law for the time being in force shall be exercised and performed by the Administrator or the Board of Administrators.

(3) The Administrator or the Board of Administrators may delegate any of his powers and duties to any officer for the time being serving under him or under the Committee.

(4) The Administrator or the members of the Board of Administrators shall receive such remuneration from the Market Fund as the Director or authorised officer may, from time to time, by general or special order, determine.

Section 14 of the APMC Act also provides that where general election of the Board of the Committee could not be held for the reasons beyond the control of the Committee before expiry of term of office of its member, the State Government may by order in the Official Gazette extend from time to time, the term of office of any such Committee. However, that the period for which the term of office so extended shall not exceed the period of one year in the aggregate.

11. Section 15(3) of the APMC Act also provides that the term of office of the outgoing members shall be deemed to extend

to, and expire with, the date immediately preceding the date of such first meeting. Section 15A was inserted by the Maharashtra Act 2010 of 84. This provision however provides that notwithstanding anything contained in Section 14 or Section 15(3) of the APMC Act or any other provisions where the term of office of two years, five years or the case may be has expired the Director or any Officer not below the rank of the District Deputy Registrar of the Co-operative Societies shall by an order in writing direct vacation of the offices of the committee members, the appointment of an administrator or the member of Administrator. In the present case, the Respondents have resorted to the provisions of Section 15A of the APMC Act without considering that the Petitioners were continuously following with the Respondents for holding fresh election; and that they had deposited the Demand Draft of Rs.15,00,000/- to enable Respondent Nos.1 and 4 to hold elections. The Respondents are clearly overlooking the proviso to sub-Section 3 of Section 14 of the APMC Act so also sub-Section 3 of Section 15. Although it is true that there are powers vested in Respondent Nos.1 and 4 to appoint an Administrator or the member of an Arbitrator, it does mean that such powers can be

exercised as per the whims and caprice of the Respondents.

In the present case that the application / proposal of the Petitioners was pending before Respondent Nos.1 and 4. Further this is not a case where there were allegations of any inactions / mistake on the part of the Petitioner. It cannot be lost sight of the fact that there is a democratically elected body of the Respondent No.5 which cannot be dis-lodged by an executive fiat. Even otherwise as suggested in the judgment of Babasaheb Apparao Akat & Ors. (supra), the Respondents could have appointed the erstwhile Managing Committee of Respondent No.5, in the alternative. The Respondents however wanted to dislodge the democratically elected body.

12. After the arguments were advanced, learned counsel for the Petitioners informed that on 29th August 2025, Mr. Vikas Rasal had appointed himself as the Administrator and that he has also taken charge on 1st September, 2025. According to us, this is very disturbing feature of the case in as much as the tenure of the Committee was to come to an end on 31st August, 2025 and even

their application for extension was pending and not decided. Further the order of appointment was passed by Mr. Vikas Rasal, Director of Marketing on 29th August, 2025 and he himself took charge on 1st September 2025. The tearing hurry in which the Administrator was appointed and that too in the teeth of the application for extension preferred by the Petitioners well within the time of expiry of the term i.e. on 7th August 2025 speaks volume. Even otherwise, Mr. Vikas Rasal could have appointed the Petitioners as the Board of Administrators as laid down in the judgment of **Babasaheb Apparao Akat & Ors.** (supra). Instead, he has chosen to usurp the management of the APMC and foist himself as an Administrator of the APMC.

13. The judgment relied upon by the learned counsel for the Petitioners **Babasaheb Apparao Akat & Ors.** (supra) squarely governs the present case. In that case there was a proposal by the Petitioners therein for extension to act as members of the APMC. The Respondents, without considering the proposal straightaway proceeded to appoint an Administrator to takeover the affairs of the Committee. The Hon'ble Court held that the period of the

Committee could be extended or in the alternative the Committee members could have been appointed as the Board of the Administrators to look after the affairs of the Committee.

14. The other judgment relied upon by the learned counsel for the Petitioners in the case of Arun Babasaheb Dake & Ors. vs. The State of Maharashtra & Ors. in Writ petition no. 2364 of 2016 decided on 10.03.2016 by this Hon'ble Court at Aurangabad Bench also takes the same view.

15. Learned counsel for the Respondents sought to distinguish the same by relying upon the judgment in the case of Uddhav Shalikram Geete (supra). The facts of the said judgment are not similar to that in the present case. In fact in the said judgment, this Court observed in Para 8 which reads as under:

“...The Petitioners in the case of Babasaheb had submitted the proposal for extension of the term of the APMC on the ground that the elections could not be held on time and in the petition before the Court, a prayer was made that the State of Maharashtra and the concerned authority be directed to decide the proposals of the petitioners for grant of extension to the petitioners to act as the members of the APMC till the conclusion of election. In present case, as observed

by us, the petitioner has not prayed for such directions to the respondents for extension of the term of the members of the APMC. ...”

Thus, the said judgment is not applicable. This Court, has in fact, upheld the view of this Court in Babasaheb Apparao Akat & Ors. (supra).

16. Second judgment Sanjay Sadashiv Patil (supra) relied upon by the learned counsel for the Respondents in Writ Petition No. 4480 of 2013 also can be distinguished from the facts of the case in as much as in the case of Sanjay Sadashiv Patil (supra) the Petitioners therein had not sought extension of the tenure of members of the APMC and the Petitioners had not made any grievances in that regard. This Court felt that once there was no application for extension of tenure and that tenure of the Committee had come to an end there was no reason as to why the Administrator should not be appointed. In the case in hand, there was a proposal submitted by the Petitioners well before expiry of their tenure. Hence the judgment in case of Sanjay Sadashiv Patil (supra) is also not applicable to the facts in the present case.

17. The next judgment relied upon by the learned counsel for the Respondents in case of *Ganuji Devaji There & Anr.* (supra) in Writ Petition No. 3855 of 2016 also arises in different set of facts. Attention of the learned Division Bench was not drawn to the earlier judgment of the Division bench in the matter of *Babasaheb Apparao Akat & Ors.* (supra) and hence, the judgment in *Ganuji Devaji There & Anr.* (supra), is clearly distinguishable.

18. The last judgment relied by the learned Additional GP for the Respondent-State in the matter of *Ravindra Mahadeorao Kashti & Ors.* (supra) in Writ Petition No. 1283 of 2015 is also based on different facts from the facts of the present case. In that case, even the extended period of one year was over and therefore, the Court came to the conclusion that permitting the same Committee to continue after the extended period of one year would frustrate the object of provisions of Section 15A of the Act.

19. For the reasons set out in foregoing paragraphs, we feel that the action on the part of Respondents is thus not only illegal but also *mala-fide* and deserves to be struck down. Resultantly, we

pass the following order :-

ORDER

- (i) Petition is allowed.
- (ii) The Respondents are directed to forthwith take steps to hold elections of Respondent No.5.
- (iii) Respondent No.6 – Administrator shall forthwith hand over charge to the erstwhile elected body of Respondent No.5.
- (iv) The Committee of the Respondent No.5 shall not take any policy decision till the next duly elected body of Respondent No.5 takes charge of the Respondent No.5.

20. Rule is accordingly made absolute on the aforesaid terms. No order as to costs.

21. In view of disposal of the Writ Petition, the Interim Application does not survive and is disposed of accordingly.

22. All parties to act on the authenticated copy of this order.

(SANDESH D. PATIL, J.)

(REVATI MOHITE DERE, J.)

23. At this stage, after the order was pronounced, learned A.G.P seeks stay of the order. Considering the findings arrived at, request for stay is rejected.

(SANDESH D. PATIL, J.)

(REVATI MOHITE DERE, J.)