

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) NO. 31270 OF 2010

MANDI NIDESHAK & ANR.

.....PETITIONER(S)

VERSUS

M/S. BULAND AKTHAR NADEEM AKTHAR
COMMISSION

.....RESPONDENT(S)

WITH

SPECIAL LEAVE PETITION (CIVIL) NO. 33617 OF 2010

O R D E R

Mr. E.C. Agrawala, counsel for the petitioners, submitted with great emphasis, that a purchaser who transports his goods and crosses the border of District Ghaziabad, is liable to furnish proof of payment of market fee. However, when a query was made as to what is the Rule or the procedure making it mandatory to comply with this part, attention of this Court was invited merely to a form which indicates that proof of payment of market fee has to be obtained from the Krishi Utapadan Mandi Samiti.

It is an admitted position in this matter and other similar matters, that the respondents are making the purchase not by using the market of the Krishi Utapadan Mandi Samiti but are making the purchase directly through the farmers. In this scenario of fact and situation, it is obvious that Krishi Utapadan Mandi Samiti itself will not be in a position to issue any gate pass or any certificate indicating that the Mandi fee has been paid to the Krishi Utapadan Mandi Samiti. In that

2

event we cannot permit the petitioners to insist upon the procedure of giving proof of payment of market fee through the Mandi Samiti for crossing the district border. However, if any other procedure is required to be followed for ensuring the payment of Mandi fee in regard to such sale and purchase which is made directly

through the farmer and producers, it would be open for the petitioners to evolve such other procedure which may resolve the issue in this regard. Insofar as the instant petitions are concerned, the respondent had already paid the market fee to the Mandi Samiti at Sambhal, District Moradabad and, therefore, if proof is furnished before any competent Authority, no restriction for crossing the border of District Ghaziabad can be insisted. Therefore these special leave petitions are dismissed.

.....J.
(GYAN SUDHA MISRA)

.....J.
(V. GOPALA GOWDA)

NEW DELHI,
FEBRUARY 10, 2014

3

ITEM NO.202

COURT NO.11

SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).31270/2010

(From the judgement and order dated 18/08/2010 in CMWP No.47818/2005 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

MANDI NIDESHAK & ANR.

Petitioner(s)

VERSUS

M/S.BULAND AKHTAR NADEEM AKTHAR COMMN.

Respondent(s)

(With appln(s) for vacating stay, exemption from filing permission to file additional documents and office report)

O.T.,

WITH SLP(C) NO. 33617 of 2010

(With application for vacating stay and office report)
(For Final Disposal)

Date: 10/02/2014 These Petitions were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE GYAN SUDHA MISRA
HON'BLE MR. JUSTICE V. GOPALA GOWDA

For Petitioner(s) Mr. E.C. Agrawala, Adv.
Mr. Rajesh Kumar, Adv.

For Respondent(s) Mr. Rakesh Dwivedi, Sr. Adv.
Mr. W.H. Khan, Sr. Adv.
Mr. Mukesh Verma, Adv.

Mr. Pawan Kumar Shukla, Adv.
Mr. Parvez Hussain Khan, Adv.
Ms. Preetika Dwivedi, Adv.
For Mr. Yash Pal Dhingra, Adv.

UPON hearing counsel the Court made the following
O R D E R

The special leave petitions are dismissed in terms
of the signed order.

(Neetu Khajuria)
Sr.P.A.

(Minakshi Mehta)
Court Master

(Signed order is placed on the file.)