

ITEM NO.66

COURT NO.6

SECTION IX

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 (C) No(s).
16923-16928/2015

(Arising out of impugned final judgment and order dated 11/06/2015 in SCA No. 8863/2015,11/06/2015 in SCA No. 8864/2015,11/06/2015 in SCA No. 8865/2015,11/06/2015 in SCA No. 8866/2015,11/06/2015 in SCA No. 8867/2015,11/06/2015 in SCA No. 8868/2015 passed by the High Court Of Gujarat At Ahmedabad)

STATE OF GUJARAT & ORS.

Petitioner(s)

VERSUS

SHRI BILNATH SEVA SAHKARI MANDALI LIMITED & ANR. ETC.Respondent(s)

(with appln. (s) for modification/clarification)

WITH

SLP(C) No. 16979-16981/2015

(With appln.(s) for exemption from filing O.T. and appln.(s) for exemption from filing c/c of the impugned judgment and Interim Relief and Office Report)

SLP(C) No. 16967-16972/2015

(With appln.(s) for leave to place on record the subsequent developments and appln.(s) for exemption from filing O.T. and appln.(s) for exemption from filing c/c of the impugned judgment and Interim Relief and Office Report)

SLP(C) No. 17058-17064/2015

(With appln.(s) for exemption from filing O.T. and for vacation/modification of order dated 26.06.2015 and interim relief and office report)

Date : 01/07/2015 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR

HON'BLE MR. JUSTICE R.K. AGRAWAL

For Petitioner(s) Mr. Tushar Mehta, ASG
Ms. Hemantika Wahi, Adv.
Ms. Jesal wahi, Adv.
Ms. Manisha Luv Kumar, Adv.

Mr. Harin Raval, Sr. Adv.
Mr. Anshin Desai, Adv.
Mr. D.N. Ray, Adv.
Mr. Lokesh K. Choudhary, Adv.
Ms. Divya Anand, Adv.
Ms. Nipun Saxena, Adv.
Mrs. Sumita Ray, Adv.

For Respondent(s) Dr. A.M. Singhvi, Sr. Adv.
Mr. Amar Dave, Adv.
Mr. Dipan Desai, Adv.
Mr. Vikas Mehta, Adv.
Mr. Puneeth K.G., Adv.

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

IA Nos. 13-18 of 2015 in SLP(C) Nos. 16923-16928/2015

IA Nos. 15-16 of 2015 in SLP(C) Nos. 17058-17064/2015

Heard Mr. Tushar Mehta, learned ASG, Mr. Harin Raval, learned senior counsel and Mr. A.M. Singhvi, learned senior counsel for the parties.

The main dispute is regarding the eligibility of the members of the managing committees of co-operative societies to participate in the election process of Agricultural Produce Market Committee, Junagarh. The election process is actually in progress today. There are various special leave petitions pending arising out of various Interlocutory applications passed by the High Court of Gujarat.

The basic submission of the State of Gujarat is that the High Court ought not to have interfered with the election process once the election notification was issued. More particularly, when each one of the questions which is sought to be agitated before the High Court is capable of being adjudicated by a statutory Tribunal constituted under Rule 28 of the Agricultural Produce Market Rules, 1965.

In the background of the above-mentioned facts, we deem it appropriate to direct that the members of the managing committees of the various societies who are respondents before us be permitted to vote in the election that is taking place today. However, their votes be polled separately and not be mixed up with the other votes. Such votes would be kept in separate sealed ballot boxes. The Returning Officer would be at liberty to declare the result of the election without taking into

account the above-mentioned votes which are kept separately. However, such a result would be subject to the final outcome of the present litigation.

IAs stand disposed of accordingly.

List the special leave petitions in the end of September, 2015.

Liberty to file additional documents, in the meanwhile.

(DEEPAK MANSUKHANI)
COURT MASTER

(INDU BALA KAPUR)
COURT MASTER