

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 5937 of 2023

Applicant :- M/S S.S Bio Petrochem Pvt. Ltd.

Opposite Party :- Sri Alok Kumar, Planning Department And Another

Counsel for Applicant :- Vikas Tiwari

Hon'ble Rohit Ranjan Agarwal, J.

The writ Court on 09.02.2022 while disposing of Writ-C No. 1334 of 2022 passed the following order:-

"The petitioner has filed the instant petition praying for a writ of mandamus commanding the respondents nos.2 & 3 to grant permission to the petitioner for storage and sale of bio fuel (bio diesel) in light of notification dated 30th April, 2019 and Government Order dated 24th December, 2020.

The contention of learned counsel for the petitioner is that the storage and sale of bio diesel is permitted under notification dated 30.04.2019 issued by respondent no.1, Union of India. Thereunder, the State Governments were directed to take necessary steps for the promotion and sale of bio diesel. The State Government has issued the office memorandum dated 23.02.2021 by which, it has been provided that permission for storage and sale of bio diesel would be examined by respondent no.5 instead of the Administrative Department of U.P. State Bio Energy Development Board.

It is submitted that the application of the petitioner filed on 18.08.2021 before District Planning Officer, Hathras has not been decided so far. He further submits that in terms of Government Order dated 24th December, 2020, issued by the State Government, the petitioner would file application before respondent no.5 and he be directed to decide the same within specified time frame, to which learned Standing Counsel appearing on behalf of the State respondent, has no objection.

Accordingly, without entering into merits, the writ petition is disposed of with the liberty to the petitioner to make application before respondents no.3 & 5. In the event, any such application is filed, the same shall be decided, in accordance with law, by means of speaking order, expeditiously, preferably within a period of eight weeks.

The petition stands disposed of.

The order has been passed in the presence of Sri Akhilesh Kumar Srivastava, learned counsel appearing for respondents no.1 & 2."

From perusal of the order, it is clear that writ Court had not entered

into merits of the case and a liberty was granted to applicant to make an application before respondent authorities which was to be decided.

A compliance affidavit has been filed wherein it has been stated that order of writ Court has not been complied with by opposite party and the order has already been passed on 08.04.2022. Copy of which has been brought on record as Annexure-1 to compliance affidavit.

In view of said fact, as the order of writ Court has been complied with, the contempt application is rendered infructuous and the same stands dismissed.

Contempt notice stands discharged.

However, leaving it open to the applicant to assail the order passed by opposite party before appropriate forum, if so advised.

Order Date :- 17.10.2023

V.S.Singh