

ssp

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELATE JURISDICTION
WRIT PETITION NO.1961 OF 2013 WITH
WRIT PETITION NO.7400 OF 2013

Loknete Baburao Patil Agro Ind.Ltd ...Petitioner
(in both petitions)

vs.

The Chief Director,

Directorate of Sugar & anr.

...Respondents
(in both petitions)

Mr.Abhijit P. Kulkarni for the Petitioner in both
the petitions

Mr.D.P.Singh, Shri A.M.Sethna and Mr.Parag Vyas for
the respondent No.1-UOI in both the petitions

Mr.V.P.Malvankar, AGP `A' Panel for respondent No.2
in W.P.No.1961/2013 and for respondent Nos.2 to 5 in
W.P.No.7400/2013

CORAM : A.S.OKA, &

V.L.ACHLIYA, JJ.

DATE : SEPTEMBER 3, 2015

P.C.:

1 We have perused the order dated 18th May 2015 passed by the Chief Director (Sugar), Directorate of Sugar, New Delhi in terms of the interim order passed by this Court. As per the said order, the obligation of the petitioners is to deliver quantity 1459.17 M.T for 2011-2012 season. The learned counsel for the petitioners has placed on record a letter dated 30th July 2015 (marked `Y' for identification) addressed to him by the petitioner. For the reasons stated in the said letter, the petitioners have accepted the liability and have agreed to deliver the requisite quantity of levy

sugar as per the aforesaid order.

2 The learned counsel for the petitioners submits that in breach of the ad-interim order passed by this Court, a prosecution was launched by the respondents on the ground of non supply of levy sugar by the petitioners. He submits that a Criminal Writ Petition No.1029 of 2014 has been filed by the petitioners in this Court for quashing. His submission is that as readiness is shown by the petitioners to supply requisite quantity of the levy sugar in terms of the order passed by the Chief Director (Sugar), Directorate of Sugar, New Delhi, the respondents should agree for quashing the prosecution.

3 Though the learned counsel for the Union of India expressed inability to give such consent, apart from the issue of breach of ad-interim order of this Court, the conduct of the petitioners of submitting to the order passed by the Chief Director (Sugar) is bound to be considered by the concerned Court while dealing with the said Writ Petition.

4 As the petitioners have offered to supply the levy sugar of requisite quantity, the Union of India will have to extend validity period.

5 At this stage, the learned counsel for the Union of India has tendered across the bar the order dated 2nd September 2015 by which the validity period has been extended till 13th October 2015. The said

order is taken on record and marked 'Z' for identification.

6 In view of the above discussion, we dispose of the petition by passing the following order:

- (I) We accept the statement made by the learned counsel for the petitioners on instructions that the petitioners are willing to supply levy sugar of quantity of 1459.17 M.T for 2011-2012 sugar season;
- (II) If on or before 13th October 2015, the Union of India fails to take necessary steps by taking levy sugar and by paying the price to the petitioners, it will be open for the petitioners to file a fresh petition in this Court for claiming appropriate relief;
- (III) Writ Petitions are disposed of on above terms.

(V.L.ACHLIYA, J.)

(A.S.OKA, J.)

Certified to be true and correct copy of original
signed Judgment/Order.