

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2936 OF 2011

Mr.Tanaji Mhatungade i/b Mr.S.B.Deshmukh for the
Petitioner
Ms M.P.Thakur, AGP for the respondent Nos.1,3 and 4
Mr.Vijay Killedar for respondent No.2

2 We accept the said statements. These
statements show that the second respondent does not
desire to act upon the order dated 18th August 2010.
Therefore, challenge to the said order does not
survive. In view of this position, the other
substantive challenge to the notification dated 3rd
December 2011 has become academic and it is not
necessary to decide the same on merits.

3 In view of what is stated above, this petition
does not survive and the same is disposed of.

4 We, however, make it clear that all issues
raised concerning the legality of the notification
dated 3rd December 2011 are expressly kept open.

5 At this stage, the learned counsel for the
second respondent submits that the Chief Director of
Sugar, Union of India be directed to cancel the
Performance Guarantee submitted by the second
respondent and return the same to the second
respondent. As the Officer concerned is not a party
to this petition, we grant liberty to the second
respondent to make appropriate application for
cancellation of the Performance Guarantee.

(REVATI MOHITE DERE,J.)

(A.S.OKA,J.)