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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.5642 OF 2013
WITH
WRIT PETITION NO.3667 OF 2014**

Shree Someshwar Sahakari Sakhar Karkhana Limited ...Petitioner

v/s.

Union of India and Ors.

...Respondents.

Mr.A.V.Anturkar, Senior Advocate a/w Mr.Amol A. Gatne and Mr.Tanaji Mhatungade i/b Mr.S.B.Deshmukh, for the Petitioner in both the petitions.

Ms.M.P.Thakur, AGP for the Respondent – State.

Mr. Y.S.Bhate a/w Mr.Parag Vyas, Mr.A.M.Sethna, Mr.D.P.Singh, Ms.Nisha Valani, Ms.Neeta Masurkar, Mr.Y.R.Mishra, Mr.A.R.Varma, Mr.H.V.Mehta and Mr.S.G.Thakur, for the Respondent – U.O.I.

**CORAM: A. S. OKA &
REVATI MOHITE DERE, JJ.**

DATED : 1st JULY, 2015.

P.C.

1. It is pointed out by the learned senior counsel appearing for the petitioner that by order dated 28th April, 2015, the Chief Director (Sugar) Ministry of Consumer Affairs, Food & Public Distribution Department of Food & Public Distribution, Directorate of Sugar, Government of India directed the petitioners to supply levy sugar of quantity 5459.5 metric

tons. He states that on 23rd June, 2015, the said order has been accepted by the Board of Directors and therefore the petitioner is ready and willing to supply the aforesaid quantity of levy sugar. He submitted that if the aforesaid quantity of levy sugar is not lifted and price thereof is not paid to the petitioner within the time fixed by this Court, an order be issued directing that the order directing supply of levy sugar shall lapse.

2. In view of the aforesaid statement, we propose to grant a reasonable time of two months to the Union of India to extend the validity period by passing an extension order, to appoint a nominee and to pay the price of the levy sugar to the petitioners.

3. Accordingly, we dispose of the petition by passing the following order :-

ORDER

- i) It will be open for the Union of India to take further steps on the basis of the order dated 28th April, 2015 passed by the Chief Director (Sugar) ;
- ii) If within the stipulated period of two months, the Union of India fails to take all necessary steps by taking the levy sugar

and by making payment of price to the petitioner, it will be open for the petitioner to file a fresh petition in this Court for claiming appropriate reliefs.

4. The petitions are disposed of on above terms. There shall be no order as to costs.

(REVATI MOHITE DERE,J.)

(A.S. OKA,J.)