IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATON (L) NO. 26643 OF 2013

Shri Vithalrao Namdeo Pawar ... Petitioner

V/s.

The Union of India & 5 ors. ... Respondents

Mr. Ashish S. Gaikwad for the petitioner.

Mr. B.M. Chatterji, Sr. Advocate a/w. H.V. Mehta a/w Maya Majumdar a/w. Ranjit Basu for respondent no.1.
Mr. P.P. Kakade, AGP for respondents 4 to 6.
Mr. Suresh Kumar for respondents 2 and 3.

CORAM : *NARESH H. PATIL AND*
***S.B. SHUKRE, JJ*.**

***2nd December, 2015*.**

P.C.

Heard learned Counsel for the parties.

2. The petitioner challenges Demand Notice for recovery of Income-tax on the excess cane price paid over by the Co-operative Sugar Factories in the State or any demand notice for any arrears, if issued by respondents 1 to 3.

3. Learned Counsel appearing for the petitioner submit that some

farmers have made representation to the Commissioner of Income-tax, Pune. In that connection the Additional Commissioner of Income-tax, Pune had replied to the petitioner on 1st April, 2013. Learned Counsel submits that in public interest certain orders are required to be passed.

4. Learned Counsel appearing for respondents submits that the issue raised herein was considered by the Apex Court. The issue is concluded under orders passed by the Apex Court in batch of petitions (Dy. Commissioner of Income-tax, Nashik v/s. Shri Satpuda Tapi Parisar SSK Limited in Civil Appeal No. 617 of 2010) by an order dated 20th January, 2010.

5. We have perused the record placed before us. Considered the submissions. We are informed that in many cases the administration running the sugar factories have approached the alternate forum. It is submitted by the learned Counsel appearing for respondents that even otherwise efficacious statutory remedies are available to the affected parties.

6. In the facts of the case, we are not inclined to treat this petition as a public interest litigation. Without expressing any opinion on the proceedings initiated by the petitioner before the Income-tax authorities, petition is disposed of.

(S.B. SHUKRE, J.) **(NARESH H. PATIL, J.)**

L.S. Panjwani, P.S.