

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 7525 OF 2015

Bhaginath Dagdu Ubale and others .. Petitioners

Versus

The Union of India and others .. Respondents

Shri Mahesh S. Deshmukh, Advocate h/f Shri D. K. Thote,
Advocate for Petitioners.

Shri S. B. Deshpande, A.S.G. for the Respondent No. 1.

Ms. P. V. Diggikar, A.G.P. for Respondent Nos. 2 to 6.

WITH

WRIT PETITION NO. 6633 OF 2010

Narayan Suryabhan Barhate and another.. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri N. C. Garud, Advocate for Petitioners.

Ms. P. V. Diggikar, A.G.P. for Respondent Nos. 1 to 4.

Shri Pradip R. Patil, Advocate for the Respondent No. 5.

WITH

WRIT PETITION NO. 7987 OF 2011

Suresh Ankush Chavan and others .. Petitioners

Versus

The Union of India through Secretary
Ministry of Consumer Affairs,
Food and Public Distribution.
New Delhi and others

.. Respondents

Shri Mahesh S. Deshmukh, Advocate h/f Shri U. L. Momale,
Advocate for Petitioners.

Shri S. B. Deshpande, A.S.G. for the Respondent No. 1.
Ms. P. V. Diggikar, A.G.P. for Respondent Nos. 2 to 6.
Shri Pradip R. Patil, Advocate for the Respondent No. 7.

WITH
WRIT PETITION NO. 8506 OF 2011

Ashok Bapusaheb Mhasrup and others .. Petitioners

Versus

The Union of India and others .. Respondents

Shri Mahesh S. Deshmukh, Advocate h/f Shri U. L. Momale,
Advocate for Petitioners.

Shri S. B. Deshpande, A.S.G. for the Respondent No. 1.

Ms. P. V. Diggikar, A.G.P. for Respondent Nos. 2 to 6.

Shri Pradip R. Patil, Advocate for the Respondent No. 7.

WITH
WRIT PETITION NO. 8573 OF 2011

Mahsu Asaram Chavan and others .. Petitioners

Versus

The Union of India through Secretary
Ministry of Consumer Affairs,
Food and Public Distribution.
New Delhi and others

.. Respondents

Shri Mahesh S. Deshmukh, Advocate h/f Shri U. L. Momale,
Advocate for Petitioners.

Shri S. B. Deshpande, A.S.G. for the Respondent No. 1.

Ms. P. V. Diggikar, A.G.P. for Respondent Nos. 2 to 6.

Shri Pradip R. Patil, Advocate for the Respondent No. 7.

WITH
WRIT PETITION NO. 2270 OF 2012

Subhash Bhausaheb Dube and others .. Petitioners

Versus

The Union of India through Secretary
Ministry of Consumer Affairs,
Food and Public Distribution.
New Delhi and others

.. Respondents

Shri Mahesh S. Deshmukh, Advocate h/f Shri U. L. Momale,
Advocate for Petitioners.

Shri S. B. Deshpande, A.S.G. for the Respondent No. 1.

Ms. P. V. Diggikar, A.G.P. for Respondent Nos. 2 to 6.

Shri Pradip R. Patil, Advocate for the Respondent No. 7.

WITH**WRIT PETITION NO. 3844 OF 2012**

Vijay Uttamrao Pankade and others

.. Petitioners

Versus

The Union of India through Secretary
Ministry of Consumer Affairs,
Food and Public Distribution.
New Delhi and others

.. Respondents

Shri Mahesh S. Deshmukh, Advocate h/f Shri U. L. Momale,
Advocate for Petitioners.

Shri S. B. Deshpande, A.S.G. for the Respondent No. 1.

Ms. P. V. Diggikar, A.G.P. for Respondent Nos. 2 to 6.

Shri Pradip R. Patil, Advocate for the Respondent No. 7.

WITH**WRIT PETITION NO. 4118 OF 2012**

Vishwanath Punjaram Darunte
and others

.. Petitioners

Versus

The Union of India through Secretary
Ministry of Consumer Affairs,
Food and Public Distribution.

New Delhi and others .. Respondents

Shri Mahesh S. Deshmukh, Advocate h/f Shri D. K. Thote,
Advocate for Petitioners.

Shri S. B. Deshpande, A.S.G. for the Respondent No. 1.

Ms. P. V. Diggikar, A.G.P. for Respondent Nos. 2 to 6.

Shri Pradip R. Patil, Advocate for the Respondent No. 7.

WITH
WRIT PETITION NO. 10426 OF 2014

Sayyad Majir Bashirbhai and others .. Petitioners

Versus

The Union of India and others .. Respondents

Shri Mahesh S. Deshmukh, Advocate h/f Shri U. L. Momale,
Advocate for Petitioners.

Shri S. B. Deshpande, A.S.G. for the Respondent No. 1.

Ms. P. V. Diggikar, A.G.P. for Respondent Nos. 2 to 6.

Shri Pradip R. Patil, Advocate for the Respondent No. 7.

WITH
WRIT PETITION NO. 10427 OF 2014

Baban Namdeo Jadhav and others .. Petitioners

Versus

The Union of India and others .. Respondents

Shri Mahesh S. Deshmukh, Advocate h/f Shri D. K. Thote,
Advocate for Petitioners.

Shri S. B. Deshpande, A.S.G. for the Respondent No. 1.

Ms. P. V. Diggikar, A.G.P. for Respondent Nos. 2 to 6.

Shri Pradip R. Patil, Advocate for the Respondent No. 7.

WITH
WRIT PETITION NO. 10428 OF 2014

Ashok Vinayak Bhavar and others .. Petitioners
Versus
The Union of India and others .. Respondents

Shri Mahesh S. Deshmukh, Advocate h/f Shri D. K. Thote,
Advocate for Petitioners.

Shri S. B. Deshpande, A.S.G. for the Respondent No. 1.

Ms. P. V. Diggikar, A.G.P. for Respondent Nos. 2 to 6.

Shri Pradip R. Patil, Advocate for the Respondent No. 7.

WITH
WRIT PETITION NO. 10429 OF 2014

Raosaheb Asaram Tejinkar and others .. Petitioners
Versus
The Union of India and others .. Respondents

Shri Mahesh S. Deshmukh, Advocate h/f Shri D. K. Thote,
Advocate for Petitioners.

Shri S. B. Deshpande, A.S.G. for the Respondent No. 1.

Ms. P. V. Diggikar, A.G.P. for Respondent Nos. 2 to 6.

Shri Pradip R. Patil, Advocate for the Respondent No. 7.

WITH
WRIT PETITION NO. 10430 OF 2014

Ramdas Sahebrao Thote and others .. Petitioners
Versus
The Union of India and others .. Respondents

Shri Mahesh S. Deshmukh, Advocate h/f Shri D. K. Thote,
Advocate for Petitioners.

Shri S. B. Deshpande, A.S.G. for the Respondent No. 1.

Ms. P. V. Diggikar, A.G.P. for Respondent Nos. 2 to 6.

Shri Pradip R. Patil, Advocate for the Respondent No. 7.

**CORAM : S. V. GANGAPURWALA AND
K. L. WADANE, JJ.
DATE : 24TH NOVEMBER, 2016.**

PER COURT :

. The petitioners are assailing the order passed by the Commissioner (Sugar) in majority of the writ petitions.

2. In February 2013, this Court had asked for the names of the inspecting squad for the purpose of assessment of harvesting and transportation cost and expenses incurred for crushing the sugar cane in the year 2007-2008 with the respondent No. 7/sugar factory. Subsequently, under order dated 09th August, 2016 pursuant to the names given by the learned A. G. P., Committee was appointed of three persons to carry out assessment of harvesting and transportation cost and expenses incurred for crushing sugar cane for the year 2007-2008 of the respondent/sugar factory.

3. The grievance of the petitioners is with regard to payment of Fair and Remunerative Price (F.R.P.) qua the transportation and harvesting charges. The Commissioner had negated the claim of the petitioners pursuant to which they have approached this Court.

4. The committee appointed by this Court under order dated

09th August, 2016 has submitted its report. The said report gives details of the calculations.

5. Mr. Patil, the learned counsel for the respondent/sugar factory submits that, the findings of the committee are similar to one arrived by the Commissioner, whose order is impugned in the majority of writ petitions. Mr. Patil, the learned counsel further submits that, as the Committee has also arrived at the same conclusion, the writ petitions deserve to be dismissed. According to the learned counsel many of the petitions are barred by limitation. The learned counsel further submits that, the sugar factory may not be again dragged before the Commissioner (Sugar).

6. We have also heard the learned Assistant Solicitor General and the Assistant Government Pleader for respondents.

7. It would not be possible for this Court to go into the intrinsic question regarding calculations and assessment, as they involve expertise job. The committee was appointed. It has submitted its report along with necessary calculations. It would be appropriate for the Commissioner (Sugar) to reconsider the same and pass orders afresh.

8. We are not deciding any issue on merits of the matter.

They are kept open, can be agitated before the Commissioner (Sugar). The parties shall appear before the Commissioner (Sugar) on 16th December, 2016. The report submitted by the Committee appointed by this Court under order dated 09th August, 2016 shall be forwarded to the Commissioner (Sugar). The parties may put forth their stand with regard to the said report also. Apart from that the Commissioner shall also consider all grounds that would be raised by petitioners and the karkhana/sugar factory. All contentions of respective parties are kept open. It is made clear that, apart from the claims of the petitioners herein and the petitioners herein those who would approach the Commissioner, no other claims shall be considered by the Commissioner. The Commissioner (Sugar) may also consider the claim of interest on subsidy. Of course, after hearing the petitioners and the karkhana the said claims would be considered with regard to the petitioners only. The same shall be done expeditiously and preferably within a period of six months from the date of appearance. The writ petitions are disposed of.

[K. L. WADANE, J.]

[S. V. GANGAPURWALA, J.]