

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12900 OF 2015

Shivaratna Udyog Ltd. (Duly represented by]
its General Manager Mr. Vasantrao B. Bankar.] ... Petitioner
Versus
The State of Maharashtra and Ors.] ... Respondents

Mr. Abhijit Kulkarni i/b Mr. Amol Deshpande for Petitioner.
Mrs. M. S. Bane, 'B' Panel Counsel for Respondent Nos.1 to 4.

CORAM :- M. S. SONAK, J.
DATE :- JANUARY 13, 2016

P. C. :-

1. The challenge in this petition is to the order dated 22/12/2015 made by the Commissioner (Sugar), who is the licensing authority in terms of the Maharashtra Sugar Factories (Reservation of Areas and Regulation of Crushing and Sugarcane Supply) Order, 1984 ('1984 Order').

2. Mrs. Bane points out that in terms of Clause 12 of the 1984 Order, an appeal will lie to the State Government against the impugned order.

3. Clause 12 of the 1984 Order reads thus :-

“12. Appeal.---(1) Any person aggrieved by any order of the Licensing Authority including any order refusing to issue or revoking the Licence under the provisions of t his Order may, within thirty days from the date of such order, appeal to the State Government against such Order, whose decision shall be final.

(2) Any person aggrieved by any order of the Permit Officer including any order refusing to issue or revoking the permit or forfeiting the security deposit under the provisions of this Order, may within thirty days from the date of such order appeal to the Director of Sugar, whose decision shall be final.

(3) No order shall be made under this clause unless the aggrieved person has been given a reasonable opportunity of stating its or his case.

(4) Pending the disposal of the appeal the State Government or the Director of Sugar as the case may be, may direct that the impugned order shall not take effect, until the appeal is disposed of.”

4. From the aforesaid, it is quite clear that the petitioner has alternate and efficacious remedy available to them in the matter of challenge to the impugned order. Therefore, there is no necessity to entertain the present petition.

5. The petition is therefore dismissed. The petitioners are however at liberty to avail alternate remedy in terms of Clause 12 of the 1984 Order, as aforesaid.

6. It is made clear that this Court has not examined the merits of the matter and therefore, all contentions of all parties are left open to be determined by the Appellate Authority.

7. All concerned to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)