

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

-
HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE P. NAVEEN RAO

-
WRIT PETITION No. 3908 of 2004

Date: 02.03.2016

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Between:

Chava Ramakrishna Rao.

... Petitioner

And

Commissioner & Director of Sugar and
Cane Commissioner-cum-Registrar of
Cooperative Societies, A.P.,
Hyderabad & others.

... Respondents

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE P. NAVEEN RAO**

WRIT PETITION No.3908 of 2004

ORDER: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard Sri M.V. Durga Prasad, learned counsel for the petitioner and Sri P. Krishna Prakash, learned counsel for the respondents.

This writ petition is pending since 2004 with the following prayers:

“(a) pay the amounts due to the members of the third respondent society towards interest for the period of delay caused in making payment of the price of the sugarcane supplied by them as per the provisions of clause 3(3) of the Sugarcane (Control) Order, 1966;

(b) discharge the said cash credit – pledge loan of Rs.12 crores owed to the District Cooperative Credit Bank Limited, West Godavari District, Eluru, without waiting for release orders; and

(c) disburse the amounts found surplus to the members-share holders of the third respondent, after discharging all the liabilities of the third respondent.”

Sri P. Krishna Prakash, learned counsel for the respondents, has placed before us, as per the directions issued earlier, the statement relating to the amount of consideration received so far and how it has been appropriated and towards what and how much is the balance available with the Implementation Secretariat, Public Enterprises Department, as on

14.12.2015 in respect of Amadalavalasa Cooperative Sugars Limited and West Godavari Cooperative Sugars Limited.

We have perused the statement. A copy of the statement has also been served on the learned counsel for the petitioner. From perusal of the statement, it appears that the entire sale proceeds have already been appropriated.

Sri M.V. Durga Prasad, learned counsel for the petitioner, repeatedly submitted that the surplus amount may be disbursed to the member shareholders of the 3rd respondent - Sugar factory, after discharging all liabilities of the 3rd respondent. From the statement produced before the Court, it appears to us that all liabilities of the 3rd respondent – Sugar factory have been discharged and the balance amount available with the Implementation Secretariat, Public Enterprises Department, as on 14.12.2015 is Rs.2,39,33,000/-, but the statement further shows that there are further liabilities of respondent No.3 – sugar factory. In view thereof, only third prayer in the writ petition can be granted in terms of the following direction:

“The Implementation Secretariat, Public Enterprises Department, after discharging all the liabilities, if any amount is found to be surplus may be disbursed to the member shareholders of the 3rd respondent - sugar factory. Even, thereafter, if any amount remains, it may be disbursed by way of proportionate interest as prayed in prayer clause (a) of the petition.”

With these observations, writ petition is disposed of. The letter dated 22.12.2015, of the Principal Secretary to Government and Chairman, Implementation Secretariat, produced on record by learned Government Pleader along with the statement is taken on record and marked as ‘X’ for identification.

Miscellaneous petitions, if any, shall also stand disposed

of. There shall be no order as to costs.

DILIP B.BHOSALE, ACJ

P. NAVEEN

RAO, J

Date: 02.03.2016
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